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A HISTORY OF
THE AMERICAN PEOPLE

BY
WOODROW WILSON, PH.D., LITT.D., LL.D.

DOCUMENTARY EDITION

IN TEN VOLUMES

VOL. II.

The Swarming of the English



Leonard Calvert.

LEONARD CALVERT, FIRST GOVERNOR OF MARYLAND

(Who brought the first settlers to Maryland in the "Ark" and the "Dove," 1633)

Reproduced from "Side-Lights on Maryland History," by Hester Dorsey Richardson, with consent of the author.

DOCUMENTARY EDITION

A HISTORY OF THE AMERICAN PEOPLE

BY

WOODROW WILSON, PH.D., LITT.D., LL.D.
PRESIDENT OF THE UNITED STATES

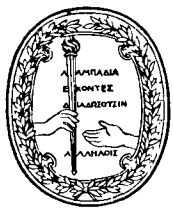
ENLARGED BY THE ADDITION OF ORIGINAL SOURCES AND LEADING DOCUMENTS OF AMERICAN HISTORY INCLUDING NARRATIVES OF EARLY EXPLORERS, GRANTS, CHARTERS, CONCESSIONS, TREATIES, REVOLUTIONARY DOCUMENTS, STATE PAPERS, PROCLAMATIONS AND ENACTMENTS

ILLUSTRATED WITH CONTEMPORARY VIEWS, PORTRAITS, FACSIMILES AND MAPS SELECTED FROM RARE BOOKS AND PRINTS

IN TEN VOLUMES

VOLUME II

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CONTENTS

PART I

PAGE

THE SWARMING OF THE ENGLISH. (*Continued.*)

THE CIVIL WARS AND THE COMMONWEALTH 1

THE RESTORATION 37

NEW JERSEY AND CAROLINA 68

PENNSYLVANIA 113

THE REVOLUTION 158

PART II

ORIGINAL DOCUMENTS

FUNDAMENTAL ORDERS OF CONNECTICUT, 1638. From "The Public Records of the Colony of Connecticut Prior to the Union with New Haven Colony." Published in 1850 . . 183

FIRST APPLICATION FOR A MUNICIPAL FORM OF GOVERNMENT, 1649.—From "Documentary History of New York," Vol. I., 1849, pp. 595–98 191

PROTEST AGAINST LORD BALTIMORE'S OATH PROCLAMATION, 1653.—From Peter Force's "Tracts and Other Papers Relating to the Origin, Settlement, and Progress of the Colonies in North America," Vol. II., Washington, 1838 198

VIRGINIA AND MARYLAND CONTROVERSY OVER LORD BALTIMORE, 1653–54.—From Peter Force's "Tracts and Other Papers Relating to the Origin, Settlement, and Progress of the Colonies in North America," Vol. II., Washington, 1838 203

CHARTER AND NAMING OF CAROLINA, 1663.—From "American Charters, Constitutions, and Organic Laws" (1909), Vol. V., pp. 2743–50 210

CONTENTS

PAGE

CHARTER OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, 1663.—From text in "Rhode Island Colonial Records," Vol. II., pp. 3–21. (See also "Patent of Providence Plantation, 1643") 214

FIRST CONSTITUTION OF NEW JERSEY, 1664.—From Barber and Howe's "New Jersey Historical Collections," edition of 1855 239

GRANT OF NEW NETHERLANDS TO THE DUKE OF YORK AND ALBANY, 1664.—From "American Charters, Constitutions, and Organic Laws" (1909), Vol. V., pp. 2590–93 . 245

THE GRANT AND NAMING OF NEW JERSEY, 1664.—From Barber and Howe's "New Jersey Historical Collections," 1844 254

RESTORATION OF ENGLISH GOVERNMENT IN NEW YORK, 1665.—From "Documentary History of New York," Vol. I., 1849, pp. 602–4 257

CONCESSIONS FOR THE SETTLING OF ALBEMARLE, WHICH LATER BECAME NORTH CAROLINA, 1665.—Text in "American Charters, Constitutions, and Organic Laws" (1909), Vol. V., pp. 2756–61 262

THE ACTS OF NAVIGATION, 1660–72.—The text of these Acts is in "Statutes of the Realm," Vol. V., pp. 246–50, 449–52, and 792–93. The Act from which extracts are here given is the first of the series. See also "The Navigation Act of 1696" 267

THE FUNDAMENTAL CONSTITUTIONS OF CAROLINA, 1669.—From "Historical Collections of South Carolina," Vol. II., pp. 361–90 272

RESTORATION OF NEW YORK TO THE ENGLISH, 1674.—From the text in the "Documentary History of New York" (1850), Vol. III., pp. 67–8, 73–5, 79 282

THE INDIAN WAR UNDER KING PHILIP, 1676.—By the Rev. William Hubbard, in his "Narrative of the Troubles with the Indians of New England" (Boston, 1677) 289

DIVISION OF NEW JERSEY INTO TWO PROVINCES, 1676.—From the full text in "American Charters, Constitutions, and Organic Laws" (1909), Vol. V., pp. 2551–60 299

CHARTER AND NAMING OF PENNSYLVANIA, 1681.—From text in "American Charters, Constitutions, and Organic Laws" (1909), Vol. V., pp. 3036–44 304

CONTENTS

PAGE

PENN'S ACCOUNT OF THE PENNSYLVANIA COLONY, 1683.—From his letter to the Committee of the Free Society of Traders of the province residing in London. Text from "Old South Leaflet," No. 171 312

HOW PENN MADE HIS TREATY WITH THE INDIANS, 1683.—From his letter to the Committee of the Free Society of Traders of the province residing in London. Text reprinted from "Old South Leaflet," No. 171 319

REVOCATION OF THE EDICT OF NANTES, 1685.—From Professor Charles Weiss's "History of the French Protestant Refugees," Vol. II., pp. 378–81 322

NOTES ON ILLUSTRATIONS

PAGE

LEONARD CALVERT, FIRST GOVERNOR OF MARYLAND.—Reproduced from *Side-Lights on Maryland History*, by Hester Dorsey Richardson, with the consent of the author, from an original picture in her possession. In two vessels—the "Ark" and the "Dove" provided by the Proprietary, Lord Baltimore, Leonard Calvert, brother of Lord Baltimore, commissioned as Lieutenant-General, embarked with about two hundred Colonists at Gravesend in October, 1633, arriving at Point Comfort February 27, 1634. Thence they sailed up the Potomac to St. Clement's Island, where they took formal possession of Maryland. After this landing Calvert explored a tributary stream, now called the St. Mary's, until he came to an Indian village, where, after an agreement with the Indians, on March 27, 1634, he disembarked and called their new home St. Mary's . . . . . *Frontispiece*

PORTRAIT AND AUTOGRAPH OF CHARLES I.—From an engraving after the painting by Sir Anthony Vandyck 3

VIEW OF NEW AMSTERDAM IN 1656.—Drawn and adapted by Harry Fenn after a view on the Visscher map. It is known as the Augustine Herrman view, and was often reproduced in one form or other 5

WATER GATE, FOOT OF WALL STREET, NEW YORK, 1674.—From an old print 6

FIRST MEETING-HOUSE, 1634–1638. ROGER WILLIAMS'S CHURCH.—From an old print. A question has recently arisen as to whether this old building was ever used by Roger Williams 7

AUTOGRAPH OF ROGER WILLIAMS 8

TITLE-PAGE OF ROGER WILLIAMS'S "KEY INTO THE LANGUAGE OF AMERICA."—This is the earliest printed book of Roger Williams. Each chapter contains short vocabu-

PAGE

laries and dialogues in Indian and English, followed by observations, and ending with a poem. From an original in the New York Public Library 9

THE CANAL, BROAD STREET, NEW YORK, 1659.—Redrawn from an old print 10

FARRER'S MAP OF VIRGINIA, 1651.—From the original in New York Public Library, in Edward Williams's *Virgo Triumphans: or, Virginia richly and truly valued.* London, 1650. The book, ascribed to Williams, is in substance the work of John Farrer. For an account of the different states of this map, see Winsor's *America*, vol. iii., p. 168 12

PORTRAIT AND AUTOGRAPH OF JOHN HAMPDEN.—From a line engraving by Houbraken in Birch's *Heads.* London, 1743. In New York Public Library. Autograph from Nugent's *Memorials of Hampden.* London, 1865 . . . 14

AUTOGRAPH OF SIR WILLIAM BERKELEY 15

TITLE-PAGE OF NORTON'S "HEART OF NEW ENGLAND RENT."—From a copy of the original edition in the New York Public Library 17

TITLE-PAGE OF JOHN COTTON'S "SPIRITUAL MILK FOR BOSTON BABES."—From the original American edition of 1656, in the New York Public Library. It was first issued in London in 1646, a copy of which is in the British Museum 19

OLIVER CROMWELL'S LETTER TO JOHN COTTON.—From the original manuscript in the New York Public Library, now reproduced in facsimile for the first time in its entirety. It is printed in the *Bulletin of the New York Public Library*, vol. iv. (1900), pp. 13 and 14, which see also for an account of its history 21-24

PORTRAIT AND AUTOGRAPH OF JOHN PYM.—From a line engraving by Houbraken in Birch's *Heads.* London, 1743. In the New York Public Library. Autograph from Thane's *British Autography* 26

PETER STUYVESANT'S BOWERY HOUSE.—Redrawn from Valentine's *Manual* for 1866, p. 579 27

TITLE-PAGE OF "NEW HAVEN'S SETTLING IN NEW ENGLAND."—From an original in the New York Public Library. Only five or six copies are known to be in existence 29

NOTES ON ILLUSTRATIONS

PAGE

ARRIVAL OF STUYVESANT AT NEW AMSTERDAM.—From a painting by Howard Pyle 31

PORTRAIT AND AUTOGRAPH OF PETER STUYVESANT.—From an engraving after the painting by Vandyck. Redrawn from an old print 33

OLD STATE HOUSE OF NEW AMSTERDAM.—Redrawn from an old print 34

ORIGINAL TOWN HOUSE, BOSTON, 1657–1711. BUILT BY THOMAS JOY.—From a print after the original pencil sketch by Thomas Joy 35

AUTOGRAPHS OF ROBERT SEDGWICK AND JOHN LEVERETT . . 38

TITLE-PAGE OF "A DECLARATION OF THE SAD AND GREAT PERSECUTION AND MARTYRDOM OF THE PEOPLE OF GOD, CALLED QUAKERS, IN NEW ENGLAND."—This protest of the Quakers, although not dated on the title, was printed in 1660. The title-page is printed in black and red lines. From an original in the New York Public Library . . 40

SEAL OF VIRGINIA AFTER THE RESTORATION.—From *William and Mary College Quarterly* 41

PORTRAIT OF JAMES BLAIR.—From the painting in William and Mary College . . . . . *Facing* 42

PORTRAIT AND AUTOGRAPH OF CHARLES II.—From a print after the painting by Sir Peter Lely 44

PORTRAIT OF EDWARD HYDE, EARL OF CLARENDON.—From a line engraving by M. Berg after the painting by Sir Peter Lely. In New York Public Library, Emmet Collection, No. 1694 53

THE WALL, WALL STREET, NEW YORK, 1660.—Redrawn from an old print 55

SIGNATURES OF THE COMMISSIONERS TO RETAKE NEW NETHERLAND 57

EARLY WINDMILL, NEW YORK.—Redrawn from an old print . 58

SLAB MARKING THE TOMB OF PETER STUYVESANT.—Redrawn from a photograph 60

FACSIMILE OF THE KING'S PROCLAMATION FOR THE ARREST OF WHALLEY AND GOFFE.—From the original broadside in the New York Public Library 65

NOTES ON ILLUSTRATIONS

PAGE

AUTOGRAPH OF GEORGE CARTERET 69

AUTOGRAPH OF PHILIP CARTERET 72

LOADING SHIPS IN ALBEMARLE SOUND.—From a painting by Howard Pyle 75

SIGNATURES OF CAROLINA PROPRIETORS 77

SEAL OF THE LORDS PROPRIETORS OF CAROLINA.—From a photograph from the original seal 79

MAP OF CAROLINA, 1687.—From the map by Robert Morden in Richard Blome's *Present State of His Majesties Isles and Territories in America.* London, 1687. In New York Public Library 81

PORTRAIT OF THE EARL OF SHAFTSBURY.—From a line engraving by Houbraken, after the painting by Sir Peter Lely, in Birch's *Heads.* London, 1743. In New York Public Library 85

ST. PETER'S CHURCH, KENT COUNTY, VIRGINIA.—Drawn from a photograph 87

TITLE-PAGE OF INCREASE MATHER'S "BRIEF HISTORY OF THE WARR WITH THE INDIANS IN NEW-ENGLAND."—From an original in the New York Public Library . . . 89

TITLE-PAGE OF MRS. APHRA BEHN'S "WIDDOW RANTER."—From the original first edition in the New York Public Library 90

PORTRAIT AND AUTOGRAPH OF LORD CULPEPER.—From a painting in the possession of the Virginia Historical Society 93

ON THE WAR-PATH.—From a painting by Howard Pyle . . 95

TITLE-PAGE OF JOHN ELIOT'S "ALGONQUIN NEW TESTAMENT."—This New Testament in the Natick dialect is the first printed in any language on the Western Continent. Besides the English title-page shown here, it has another in Indian. About sixteen copies are known to be extant, and are described in Pilling's *Bibliography of the Algonquin Languages* (Washington, 1891), pp. 132–139. Facsimile from an original in the New York Public Library (Lenox Collection) 98

NOTES ON ILLUSTRATIONS

PAGE

NATHANIEL BACON AND HIS FOLLOWERS BURNING JAMESTOWN. —From a painting by Howard Pyle 100

TITLE-PAGE OF "STRANGE NEWS FROM VIRGINIA."—From an original in the New York Public Library 103

GOVERNOR BERKELEY CONDEMNING WILLIAM DRUMMOND TO DEATH.—From a painting by F. Luis Mora . . . 105

A VIRGINIA VESTRY MEETING AFTER THE RESTORATION.—From a painting by F. Luis Mora 108

KING PHILIP'S MARK.—From Fiske's *Beginnings of New England* (Boston, 1898), p. 240, which was taken from a manuscript deed of land in Taunton, Mass. 109

OLD HOUSE IN DOCK SQUARE, BOSTON.—From an old print . 110

NEW YORK CITY HALL AND DOCKS IN 1679.—Redrawn from a view in Dankers and Sluyter's *Journal of a Voyage to New York*. Brooklyn, 1867 114

NEW YORK ABOUT 1673.—Redrawn from the view on Hugo Allard's map. At least six later issues, by other map-makers, are known to exist 116

THE STRAND, NEW YORK, 1679.—This view of the Strand (now Whitehall Street) is redrawn from an adaptation of Dankers and Sluyter. Cf. Shannon's *Manual* for 1869 . 117

A NEW YORK HOUSE IN 1679.—Redrawn from Valentine's *Manual* 119

TITLE-PAGE OF "A BRIEF DESCRIPTION OF THE PROVINCE OF CAROLINA."—From the original pamphlet in the New York Public Library of this first publication about Carolina 121

ORIGINAL BROAD SEAL OF SOUTH CAROLINA.—Drawn from a photograph of an original seal in the Virginia Historical Society 123

PORTRAIT AND AUTOGRAPH OF SIR EDMUND ANDROS.—From the frontispiece to vol. i. of *The Andros Tracts*, published by the Prince Society. Boston, 1868. Autograph from an original in the New York Public Library. *Vide* p. 297 . 125

DOCUMENT BEARING THE AUTOGRAPH OF SIR EDMUND ANDROS. —From the original manuscript in the New York Public Library, Emmet Collection, No. 4913 127

NOTES ON ILLUSTRATIONS

PAGE

PORTRAIT OF WILLIAM PENN, AT THE AGE OF TWENTY-TWO.—From a painting in the Historical Society of Pennsylvania . . . . . *Facing* 130

WILLIAM PENN'S FIRST RESIDENCE IN AMERICA (LETITIA COTTAGE).—Redrawn from an old print by Harry Fenn . . 131

SEAL AND SIGNATURES OF THE PENNSYLVANIA FRAME OF GOVERNMENT.—From Winsor's *America*, vol. iii., p. 484 . 132

THE PENN ARMS.—From Penn's Genealogy 133

SEAL OF MASSACHUSETTS BAY PROVINCE.—From a title-page of the printed *Records of Massachusetts Bay*, edited by Dr. Nathaniel B. Shurtleff 134

MASSACHUSETTS COINAGE.—Photographed from original coins in the New York Public Library 135

PROVINCE HOUSE, RESIDENCE OF THE ROYAL GOVERNORS OF MASSACHUSETTS.—Redrawn from an old print . . . 137

FACSIMILE OF A SHERIFF'S RETURN EXECUTION OF A WITCH.—From the original document in Salem, Massachusetts . . 138

A PENNSYLVANIA CAVE-DWELLING IN 1683.—From a painting by Howard Pyle 139

PAGE OF TUNES FROM THE BAY PSALM BOOK.—From the unique copy of the original edition of Boston, 1698, in the Massachusetts Historical Society, in which the tunes first appeared 141

AT AN IROQUOIS COUNCIL FIRE.—From a painting by Frederic Remington 144

MEDAL PRESENTED BY JAMES II. TO THE KING OF THE POTOMACKS.—Photographed from the original in the Virginia Historical Society 146

LETTER FROM GOVERNOR DONGAN TO GOVERNOR PENN.—From a lithograph facsimile in New York Public Library, Emmet Collection, No. 10,546 149

PORTRAIT AND AUTOGRAPH OF JAMES II.—From a photograph of the original painting by Sir Godfrey Kneller 151

PORTRAIT AND AUTOGRAPH OF WILLIAM III.—From an old print 153

NOTES ON ILLUSTRATIONS

PAGE

TITLE-PAGE OF LAWSON'S "NEW VOYAGE TO CAROLINA."—From an original in the New York Public Library. It was first issued as a part of Stevens's *Collection of Voyages*, vol. i., and separates on large paper also are extant. Both forms are represented in the above-mentioned library 155

TITLE-PAGE OF "NEW-ENGLAND'S SPIRIT OF PERSECUTION TRANSMITTED TO PENNSYLVANIA."—One of the earliest issues of William Bradford's press in New York, after his removal from Philadelphia. From an original in the New York Public Library, which is one of five known copies . 160

INVENTORY SIGNED BY PAUL RICHARD AND JACOB LEISLER.—From the original document in the New York Public Library 162

TITLE-PAGE OF THE PENNSYLVANIA FRAME OF GOVERNMENT.—From Winsor's *Narrative and Critical History of America*, vol. iii., p. 484 164

GOVERNOR SLOUGHTER SIGNING THE DEATH WARRANT OF LEISLER.—From a painting by Howard Pyle 166

MAP OF NEW YORK CITY IN 1695.—This map accompanied the publication of the Rev. John Miller's *Description of New York*, first printed at London in 1843. The map has often been reproduced since that year 168

PORTRAIT AND AUTOGRAPH OF SIR WILLIAM PHIPS.—Redrawn from an old print 172

PHIPS RECOVERING THE SUNKEN TREASURE.—From a painting by Howard Pyle 174

WILLIAM PENN'S RESIDENCE IN 1699.—Redrawn from an old print 176

AN INTERVIEW BETWEEN SIR EDMUND ANDROS AND JAMES BLAIR.—From a painting by Howard Pyle 177

THE FIRST CHURCH IN NEWARK, NEW JERSEY.—Redrawn from an old print 179

ORIGINAL DOCUMENTS

NOTES ON ILLUSTRATIONS

THE ADOPTION OF THE FUNDAMENTAL ORDERS OF CONNECTICUT.—From the Mural Decoration by Albert Herter, Supreme Court Room, State Library, Hartford, Connecticut 184

NOTES ON ILLUSTRATIONS

PAGE

STATUE OF THE REV. THOMAS HOOKER.—From a photograph of the Statue at Hartford, Connecticut 186

VIEW OF NEW AMSTERDAM IN 1670.—From Montanus's *America*, 1671. Copy in the New York Public Library . 192

VIEW OF NEW AMSTERDAM.—From Peter Schenk's *Hecatompolis*, 1702. Copy in the New York Public Library . . 194

THE WEST INDIA COMPANY'S WAREHOUSE AS SEEN FROM THE OUDE SCHANS, AMSTERDAM. BUILT IN THE YEAR 1641, AND USED AS THE COMPANY'S MEETING-PLACE IN THE YEARS 1647–1674.—From T. A. Janvier's *The Dutch Founding of New York* 196

AUTOGRAPHS OF THOSE WHO PASSED THE MARYLAND RELIGIOUS TOLERATION ACT OF 1649.—From an original in the possession of Hester Dorsey Richardson. Reproduced from Mrs. Richardson's book, *Side-Lights on Maryland History*, with the consent of the author 199

TITLE-PAGE OF "VIRGINIA AND MARYLAND."—From an original copy of the book in the New York Public Library . . . 201

TITLE-PAGE OF "A TRUE RELATION OF VIRGINIA AND MARYLAND," 1669.—From an original copy of the book in the New York Public Library 205

MAP OF MARYLAND, 1666.—From Alsop's *A Character of the Province of Maryland*. London, 1666. Copy in the New York Public Library. This book, written by George Alsop, an indented servant in Maryland, speaks favorably of conditions in Maryland, and was written to encourage emigration to that Province 207

MAP OF CAROLINA.—Reproduced from *A Brief Description of the Province of Carolina*, etc. London, 1666. Copy in the New York Public Library 211

TITLE-PAGE OF "A DEMONSTRATION OF TRUE LOVE IN NEW-ENGLAND."—From the book by William Coddington published in 1674. Copy in the New York Public Library . 215

REDUCED FACSIMILE OF THE "CHARTER OF PROVIDENCE PLANTATIONS" OF 1643.—From a photograph of a copy of the original loaned by the Rhode Island Historical Society . 218, 219

THE CORWIN-CURWIN HOUSE, SALEM, MASSACHUSETTS.—From a photograph published in 1886 by E. Whitefield, Reading,

PAGE

Massachusetts, bearing the following legend: "This house, still standing at the corner of Essex and North Streets, Salem, was built and occupied by Roger Williams, the Founder of Rhode Island, about 1634. After his banishment the house came into the possession of Capt. Richard Davenport, who, from 1645 to 1665, was commander of the fort at Castle Islands in Boston Harbor. In 1675 Jonathan Corwin, one of the Judges of the Special Court during the Witchcraft Trials, purchased the house, and it remained in the possession of his descendants until 1856. During this long period it has undergone many changes and the general appearance of the building bears little resemblance to its original form. The above picture represents, it is confidently believed, the house as it was when Roger Williams left it in 1636." As a matter of fact, this is a reproduction of a colored drawing now in the Essex Institute, Salem, Massachusetts. The original was probably made about 1820 and is imaginary, save along its general lines, it having been made upon tradition and descriptions given by old people. The fundamental point rests in the fact that Roger Williams never lived in the house. The house is the Corwin-Curwin house, otherwise known as the "Witch House," where preliminary examinations of accused persons were held. Roger Williams lived in the house previously occupied by his successor, Higginson. The house was located in a part of what is now Washington Street, Salem, and disappeared very many years ago. The above information was furnished by George Francis Dow of the Essex Institute, Salem, Massachusetts 222

REDUCED FACSIMILE OF FIRST PAGE OF THE ORIGINAL CHARTER OF RHODE ISLAND, 1663.—From a copy in the Rhode Island Historical Society 225

STATUE OF ROGER WILLIAMS AT PROVIDENCE, RHODE ISLAND. —From a photograph loaned by the Rhode Island Historical Society 230

WILLIAM CODDINGTON.—Reproduced from a photograph of the portrait in the City Hall, Newport, Rhode Island, said to be that of the first Governor, William Coddington . . . . . *Facing* 232

NEW JERSEY, 1656.—Facsimile of the map of A. Vanderdonck, 1656, in the *Collections of the New Jersey Historical Society*. Edition of 1846 240

"ADVERTISEMENT FOR TRADESMEN, HUSBANDMEN, ETC., TO SETTLE IN NEW JERSEY."—From an original Broadside in

PAGE

the New York Public Library, which is the only known copy in existence 243

THE ALLAERDT VIEW OF NEW YORK, CIRCA 1668.—From the map of Renier and Josua Ottens. The illustration shows the palisade on line of Wall Street and the water-gate, or poort, at its eastern terminus 246

THE STONE CHURCH AND FORT AT THE BATTERY, NEW YORK, IN THE 17TH CENTURY. From *Harper's Magazine*, vol cvi. 249

"THE DUKE'S PLAN" OF NEW YORK, 1661–64.—Reproduced from T. A. Janvier's *The Dutch Founding of New York*, which was photographed from the original in the British Museum, showing New Amsterdam in the year that it became New York 251

GOVERNOR PHILIP CARTERET'S OFFICIAL SEAL.—From the *Collections of the New Jersey Historical Society*, vol. i., Edition of 1846. Copy in the New York Public Library . 254

TITLE-PAGE OF "A BRIEF ACCOUNT OF THE PROVINCE OF EAST-JERSEY IN AMERICA."—From a copy of the edition published in London, 1682, in the New York Public Library . 255

MAP OF NEW YORK, 1642.—From *Harper's Magazine*, vol. cvi. 258

THE WATER-GATE, FOOT OF WALL STREET, 1679.—Redrawn from the Dankers and Sluyter drawing. See *Memoirs of the Long Island Historical Society*, vol. i.; also Frederick T. Hill's *The Story of a Street*, from which the present illustration has been taken 260

MAP OF CAROLINA.—Reduced facsimile of the map by John Seller in Wilson's *Carolina*, published in London, 1682, which was reproduced from Ogilby's *America*, edition of 1671. Copy in the New York Public Library 263

INTERIOR OF AN INDIAN VILLAGE.—From Hariot's *Virginia*, Frankfort, 1590. Copy in the New York Public Library 265

FRENCH AND ENGLISH SHIPS OF THE 17TH CENTURY ENGAGED IN COMMERCE WITH AMERICA.—From Gueroult du Pas's *Batimens*, edition of 1709, plate 23. Copy in the New York Public Library 268

TEN-CANNON FRIGATE OF 17TH CENTURY.—From Gueroult du Pas's *Batimens*, edition of 1709, plate 27. Copy in the New York Public Library 269

NOTES ON ILLUSTRATIONS

PAGE

JOHN LOCKE.—From G. Vertue's engraving of a picture by Sir Godfrey Kneller . . . . . *Facing* 272

TITLE-PAGE OF "THE DISCOVERIES OF JOHN LEDERER."—From the book by John Lederer, published in London, 1673. Copy in the New York Public Library 275

TITLE-PAGE OF "THE PRESENT STATE OF CAROLINA."—From an original copy of the book published in London, 1682. Copy in the New York Public Library 279

TITLE-PAGE OF "A BRIEF DESCRIPTION OF NEW-YORK."—From the book by Daniel Denton, published in London, 1670. The copy used was photographed from Church's Catalogue. Copy in the New York Public Library . . 283

VIEW OF NEW YORK FROM BROOKLYN HEIGHTS, 1679.— From the Dankers and Sluyter drawing after a cut in T. A. Janvier's *Dutch Founding of New York* 285

TITLE-PAGE OF "THE WARR IN NEW-ENGLAND VISIBLY ENDED."—From the book published in London, 1677. Copy in the New York Public Library 290

PORTRAIT AND SIGN-MANUAL OF KING PHILIP.—From an engraving of S. G. Drake's reproduction of the original by Paul Revere, first published in 1772 in Church's *History of King Philip's War* 293

CAPTAIN BENJAMIN CHURCH.—From F. S. Drake's *Indian History for Young Folks* 295

JOHN ELIOT, APOSTLE TO THE INDIANS.—From F. S. Drake's *Indian History for Young Folks* 297

TITLE-PAGE OF "THE MODEL OF THE GOVERNMENT OF EAST-NEW-JERSEY."—From an original copy of the edition of 1685, published in Edinburgh; now in the New York Public Library 300

TITLE-PAGE OF "PENSILVANIA AND WEST-NEW-JERSEY."—In 1698 Gabriel Thomas issued his book on West Jersey with another book on Pennsylvania, giving a map of both colonies. The intent of the book was to encourage emigration to these colonies. The book is excessively rare. The facsimile of the title-page here given is from the lithographic facsimile reprinted in New York in 1848, a copy of which and a copy of the original are in the New York Public Library 302

NOTES ON ILLUSTRATIONS

PAGE

TITLE-PAGE "SOME ACCOUNT OF THE PROVINCE OF PENNSILVANIA IN AMERICA." From an original copy of this work now in the New York Public Library 305

SIR WILLIAM PENN.—From an engraving in the print collection, New York Public Library, after the picture by Lely. Sir William Penn, the father of William Penn, was admiral and general at sea, and on October 9, 1654, he was formally appointed general and commander-in-chief of the fleet designed and prepared for America. After his death there was due him from the Crown a debt of nearly £16,000. In discharge of this debt, March 4, 1680–1, there was granted to his son, William Penn, by letters patent an extensive tract of country to the west of the Delaware, which, in honor of his father, Penn named the province of "Pensilvania" . . . . . *Facing* 308

FACSIMILE OF THE DEED CONVEYING NEW CASTLE TO WILLIAM PENN.—From a photograph of the deed after a reproduction in *Harper's Magazine*, vol. lxv. 309

WILLIAM PENN.—After a cut in Green's *A Short History of the English People*, vol. iv., from the portrait in the National Museum, Philadelphia, which is a copy of the picture by Francis Place, discovered in England, in 1874, and copied by Henry J. Wright, of London, for the National Museum 313

TITLE-PAGE OF "A LETTER TO MR. PENN."—From an original copy in the New York Public Library. Published in London in 1683 314

TITLE-PAGE OF "A LETTER FROM WILLIAM PENN."—From an original copy in the New York Public Library 317

PENN'S TREATY WITH THE INDIANS.—From F. S. Drake's *Indian History for Young Folks* 320

HENRY IV. OF FRANCE.—From Green's *A Short History of the English People*, vol. iv. After a picture by Porbus in the Louvre 323

LOUIS XIV.—From Green's *A Short History of the English People*, vol. iv. After an original engraving by R. Nanteuil, 1670 327

A HISTORY OF THE AMERICAN PEOPLE

DOCUMENTARY EDITION

PART I.

A HISTORY OF THE AMERICAN PEOPLE

THE SWARMING OF THE ENGLISH

VI. THE CIVIL WARS AND THE COMMONWEALTH

ON the 19th of May, 1643, commissioners representing Massachusetts, Plymouth, Connecticut, and New Haven, sitting in Boston, made a formal agreement that their colonies should be joined in a confederation for mutual support and defence, under the name of The United Colonies of New England. Mr. Hooker and Mr. Haynes had been urging such a union for quite six years, ever since the synod of churches had sat, in 1637, to draw up its list of heresies and unwholesome opinions in reproof of Mrs. Hutchinson and her supporters in Boston; for the Connecticut towns had no charter of their own, and these prudent gentlemen knew how much they might need the aid and countenance of their neighbor colonies should the time come when their rights were too narrowly questioned,—by the Dutch, for example. New Haven, with her government but just formed, and with as little show of charter rights from the crown as the towns of the Connecticut, was glad to come into the arrangement for very much the same reason. Plymouth and Massachusetts agreed because there was common danger from the Indians all about them and from the French in the north, and because there were awkward boundary disputes to be settled between the several colonies, for whose discussion and peaceful decision it would be well to have some common authority like that of a confederation. Massachusetts,

by far the greatest and strongest of the colonies, no doubt expected to rule in its counsels. The other colonies hoped to restrain Massachusetts and hold her back from dominating overmuch.

That same year, 1643, Roger Williams went to England to get a charter for the settlements in the Narragansett country. It was hard to deny Mr. Williams anything he seriously set himself to get and went in person to obtain, and young Mr. Vane, who had been governor of Massachusetts in Mrs. Hutchinson's day, and who was Mr. Williams's friend, being now returned into England, was one of the "Commissioners for Plantations" whom the Parliament in England had recently appointed to govern the colonies; so that by March, 1644, "Rhode Island and Providence Plantations" had their own separate charter rights, and could assert them upon a footing of equality with Plymouth and Massachusetts. The settlements on the Narragansett waters had been excluded from the confederation formed in Boston because they were thought to be too full of troublesome persons and uneasy politicians to be safe or peaceful partners; but now that they had their own charter they could endure the exclusion without too much anxiety as to how their rights should fare.

The articles of confederation which gave the Puritan colonies their new union spoke of advice and protection expected from the mother country over sea; but they said nothing of England's authority over her colonies. The contracting parties conducted themselves like independent states, and asked no one's leave to unite. At another time, perhaps, they would have hesitated; but now they had an opportunity that might not come again. England was convulsed with civil war. At

last she was reckoning with Charles, the false king, who for ten years had refused to summon a Parliament, and who had seemed from year to year to become more



Charles R CHARLES I.

and more openly an enemy of the liberties which Englishmen most cherished, until the slow fire of indignation against him, which had smouldered hotter and hotter the dark years through, burst into flame in Scot-

land, and men saw a revolution at hand. Even Charles saw then how fierce a tempest had sprung up against him, and yielded so far as to consent to call a Parliament. The Parliament, once called together, assumed a novel tone of mastery. Under the leadership of such men as the steadfast Pym, direct in speech, indomitable in purpose, no revolutionist, but a man whom it was wise for a king who ignored the laws to fear, and Hampden, whom all just men loved because he was so gentle and gracious in his gallant uprightness, the Commons impeached the men who had aided the King's injustice, and proceeded to bring the government back again under the ancient restraints of freedom.

Charles saw that he must either yield all or else openly resist. He chose to resist; set up his royal standard at Nottingham (August, 1642); called upon all loyal subjects to rally about it for the defence of their king; and so brought civil war and a revolution upon England. Every one knows what followed: how at first the cause of the Parliament seemed desperate, because Pym died and Hampden was slain, and there was no leader in the field who could withstand Prince Rupert; and then how an increasing number of steadfast partisans of Parliament in Norfolk, Cambridge, Essex, Suffolk, and Hertford formed an association, levied troops, and put Oliver Cromwell beside the Duke of Manchester to command them; how Cromwell's horsemen drove Prince Rupert's men in hopeless, utter rout from Marston Moor on a July day in 1644; and then, in June of the next year, at Naseby, repeated the terrible work, and finished what they had begun, to the utter undoing of the King; and how Charles, on a day in May, 1646, seeing his cause desperate, surrendered himself into the hands

of the Scots, in order to play the game of politics,—the game of war having failed; knowing that the Scots, who were Presbyterians, would not easily come to terms with Cromwell, whom it would be very hard to bring into any Presbyterian arrangement.

Three years went by, and the subtile King lay dead upon the scaffold at Whitehall (January, 1649), showing



VIEW OF NEW AMSTERDAM, 1656

a gentle majesty and steadfastness at the last, though he had not known how to keep faith even with himself and his own friends while he lived. He was not brought to his death by the Parliament, but by the army, and the army did not represent the nation. Cromwell had not put his men to any test of opinion; but in the end it had turned out that the rank and file of the army were, for the time at any rate, "Independents," holding opinions concerning worship and the government of church and state like those which he held, and the strict

Puritans who had gone over sea into New England. They were the more likely to hold their opinions stiffly and without compromise because Parliament, leagued with the leading men of Scotland, was Presbyterian, was jealous of the army's rising power, and wished to disband and send them home without so much as voting their pay. Though Cromwell held them back as long as



WATER GATE, FOOT OF WALL STREET, NEW YORK, 1674

he could from violent measures, they at last made bold to win by force in their contest with the Commons, and he found it best to lead them. All who were not partisans of the army and of the Independents were driven from the House, and the handful who remained brought the King to his trial and condemnation, and finally to his death at Whitehall, close by the window of his banqueting hall. They were acting for a minority of the nation, but no one dared withstand them.

With such matters as these to look upon at home,



FIRST MEETING-HOUSE, 1634–1638. ROGER WILLIAMS'S CHURCH

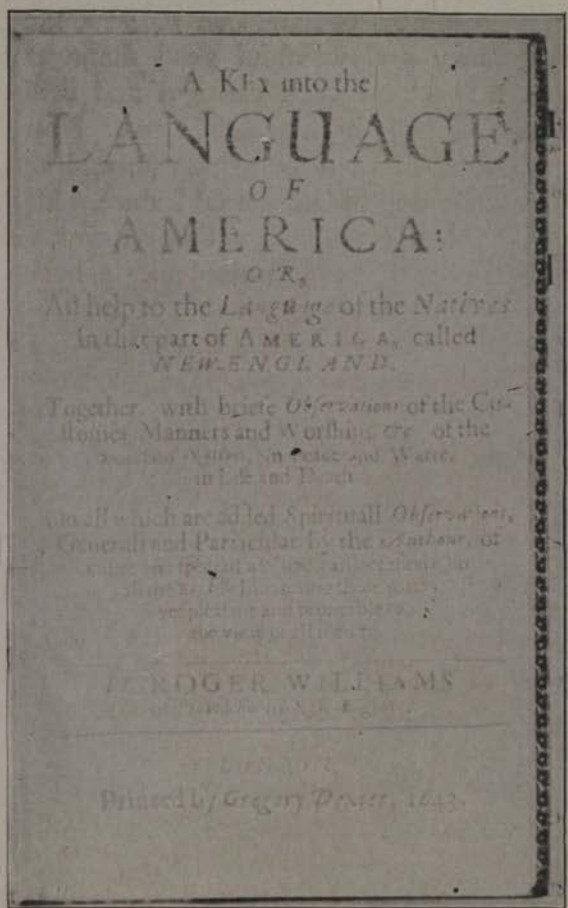
there was no time in England to watch events in the far colonies across the sea. The New Englanders could form their confederation if they pleased without molestation. But if the war gave them freedom of action, it brought other things in its train which were not so acceptable. No new settlers came any more. Men began to return into England instead,—ministers to give counsel, as well as soldiers and men of affairs to lend their aid in the field of action. Stephen Winthrop, the governor's son, George Fenwick, of Saybrook, Israel Stoughton, captain of the Massachusetts men sent against the Pequots, and not a few others of general note, entered the Parliamentary army. Edward Hopkins, who had but just finished his term as governor

of Connecticut, and Edward Winslow, who had been with the Plymouth people from the first, went back into England to assist in the administration of the navy maintained against the King. Mr. Hooker was begged by letters signed by many chief men of the Parliament to come over and lend his counsel in the task of reforming the Church, but would not go because he saw the Presbyterians so strong in Parliament, and did not wish to be in a minority. It looked for a little as if John Winthrop himself might be drawn into the struggle at home. Mr. Hugh Peter, of Salem, who had been a leader among those who drove Roger Williams forth from the Bay into the wilderness, was among the first despatched to England to give counsel in the Puritan cause; and it was he who "preached the funeral sermon to the King, after sentence, out of Esaias": "Thou art cast out of the grave like an abominable branch, . . . as a carcass trodden under feet. . . . Because thou hast destroyed thy land and slain thy people." It was a Puritan revolution, and the thoughts and hopes of the Puritans in New England turned eagerly towards the mother country again.



SIGNATURE OF ROGER WILLIAMS

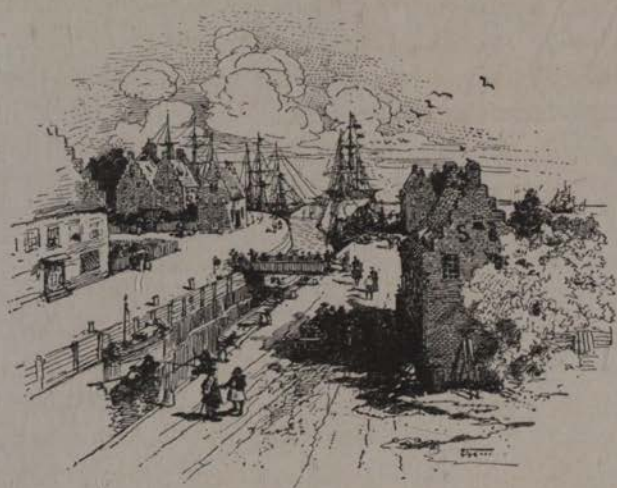
It was a very serious thing for the Puritan colonies that their rapid growth was thus stopped of a sudden. It meant that no farmer there could any longer get the high prices for his cattle or for his corn, or for any crop he might raise, which he had learned to count on while immigrants poured in; that the value of land suddenly declined; that every trade fell off; that money, always exceedingly scarce from the first, now stopped


A KEY into the
LANGUAGE
OF
AMERICA:
OR,
An help to the Language of the Natives
in that part of AMERICA, called
NEW-ENGLAND.
Together with briefe Observations of the Customes, Manners and Worships &c. of the
ROGER WILLIAMS
Printed by Gregory Dexter, 1643.

TITLE-PAGE OF ROGER WILLIAMS'S "LANGUAGE OF AMERICA"

coming in altogether, for it could come only from England. Some of the colonists lost heart, and hastened to return to England, not to see the wars, but to escape ruin. Some took themselves off to the islands of the West Indies, where, they heard, it was easy to live. Some joined the Dutch at Hudson's River. It required

not a little steadiness of mind and purpose, not a little painful economy and watchful good management, to get over the shock of such changes and settle down to make the best of the new conditions. Happily the colonists were not men to be dismayed, and had made too good a beginning to fear actual failure. Massachusetts, with her four counties and thirty towns, her fourteen hundred freemen, her organized militia, her educated



THE CANAL, BROAD STREET, NEW YORK, 1659

clergy, and her established leadership among the colonies of the north, was ready to stand upon her own feet, with a little practice; and the other colonies, on the Connecticut and on the Sound, had proved themselves from the first to be fit to live by struggle. Massachusetts had even established a college of her own, and was no longer entirely dependent upon the universities at home to supply her clergymen and her gentlefolk with an education. The General Court had begun the setting up

of a proper school in 1636, had changed the name of Newtown, where the school was placed, to Cambridge, in order that it might seem to the ear a more suitable home for it, and, two years later, had called the little college Harvard, in honor of the young clergyman who, dying in their midst (1638), had bequeathed to it his library of two hundred and sixty books, and a few hundred pounds, the half of his modest estate. The doughty little commonwealth had already learned in no small degree how to be sufficient unto herself.

Only Virginia reaped any sort of direct material benefit from the civil wars. Her people were not Puritans. They were drawn from the general body of Englishmen who believed in the sanctity of the Church and of the crown, at the same time that they loved their own liberty and did not mean to be imposed upon by any man's power, whether in church or state. Perhaps they did not know how much they were attached to the established order of things in England until those days of revolution came; for until then they had been very easy-going in church discipline, and very tolerant indeed of differences of opinion, acting untrammelled and without too much thought of uniformity, as if in the spirit of the free wilderness about them; for they were men picked out of every rank and class, followed no one opinion, lived in separated houses, and looked every one chiefly to his own business. But when they heard of what was happening over sea in England they knew their own minds very promptly, for they looked upon disloyalty as a thing not to be separated from dishonor. Their assembly, when they learned of the King's death, flatly declared it an act of treason, the more impudent because brought about under the forms of law, and


The Sea of China and the Indies.
Scala Miliarum
A mapp of Virginia discovered to y^e Falls and in ye Latt. from 35 deg. & ½ neer Florida to 41 deg. bounds of new England.
Noua Francia
Ould VIRGINIA, & new
MARYLAND
Sweeds Holl Plantat.
Noua Albion
Chesepiacke
MARE
Carolana

FARRER'S MAP OF VIRGINIA, 1651

resolved that it was the right of Charles, the dead monarch's son, to be king in Virginia "and all other of his Majesty's dominions and countries." They were led in their hot defiance by their governor, Sir William Berkeley, who had come to them by the King's appointment the very year Charles set up his standard at Nottingham (1642). A bluff, outspoken man was Sir William, bringing with him to the rural colony the gallant, thoroughbred airs of the court, and standing square to his opinions and traditions. But the frank and genial humor of his ordinary moods gave place to very hot and stubborn passion when he saw how things went against the King at home, and it was he who led the Burgesses in their defiant protests against the revolution.

The King's partisans in England, when they found things grow too desperate for them at home, were quick to perceive that Virginia was their natural and safest place of refuge, and her open countries began slowly to fill with exiled Cavaliers. The tide-water counties began to get a new character with this fresh infusion of rich blood, and Virginia grew while New England stood still.

But it was not safe for Virginia, for all she was so far away, to defy the Puritan government at home. For, the fighting in England over, and the intrigue that centred about the King ended, the Puritan leaders were masters of the kingdom. Even Sir William Berkeley swallowed his mortification and submitted when an armed frigate came into the river (1652) with commissioners on board whose orders were to reduce Virginia to obedience to the commonwealth, and who had the promise of all necessary force to sustain them in what

they did. The real temper of the colony was not as fierce as the tones of the Burgesses' resolutions had been when they condemned those who had killed the King. There was a singular mixture among the Virginians



JOHN HAMPDEN

of loyal sentiment and stubborn, matter-of-fact independence in all practical matters. The rank and file of them, though Church of England men in religion, had in them a dash of hard-headed sagacity very like

the circumspect caution of the Puritans themselves,—a way of seeing the wrong time to fight and the right time to make terms. They saw as well as other men the necessity to bow, at any rate for the present, to a government which had Cromwell at the head of its forces,—and Sir William Berkeley accepted the course of prudence with the rest. The commissioners, fortunately, were men who knew the colony, and they came with instructions which prescribed in a very generous spirit what they should do. It had been one of the first acts



SIGNATURE OF SIR WILLIAM BERKELEY

of the Long Parliament to grant again to "the Adventurers and Planters in Virginia" the old charter rights which James had annulled, and to permit the old Virginia patent to be taken out again under the broad seal of England; and its commissioners were instructed accordingly. They did not oblige Virginia to receive a governor at the hands of the Parliament; they simply ousted the King's men, and put the government into the hands of the Burgesses, the people's representatives. Until 1660 Virginia was to rule herself, practically as she pleased, herself a commonwealth, subject to the greater commonwealth over sea.

She was very well able to take care of herself. Her neighborly counties held already more than fifteen thousand thrifty English people,—and more, a great many, were being added now that ships were fast coming in full of the fugitive friends of the King,—six-

teen hundred, once and again, in a single company. Twenty thousand cattle grazed upon the broad pastures which sloped green to the margins of the rivers, as well as great flocks of sheep, and, in the deep woods, swine without number. Ships passed constantly in and out at the rivers,—from Boston and New Amsterdam, as well as from London and Bristol, and the home ports of Holland. Though many in the colony ate from rich plate and were wealthy, the well-to-do were not much better off than the humble, after all, for no man needed to be very poor where there was such abundance for all. It was a democratic place enough, and the poor man's small beer went down with as keen a relish as the rich man's wine. The rough, disorderly ways of the early days of settlement were past, and were beginning to be forgotten now. Virginia had acquired some of the sober dignity and quiet of a settled commonwealth. Her clergy had often, at first, been as rough fellows as those not of the cloth, who came to Virginia to have leave to live as they pleased, and had been no help to religion; but now men of a better sort began to rule in her churches, and to sweeten her life with true piety. She could fare very well upon her own resources, whether in church or state. The Parliament's commissioners had made rules under which any reasonable man could live. Any who pleased might drink the King's health within doors, at their own boards, if they did nothing against authority out-of-doors. Speech was not to be throttled, men's sentiments were not to be too curiously looked into. The exiled royalists who came steadily in, seeking a refuge, need sacrifice nothing but what they had already given up. Their very flight was confession of defeat; here in Virginia

THE

Heart of N-England

rent at the

BLASPHEMIES

OF THE PRESENT

GENERATION.

Or

A brief Tractate concerning the Doctrine of the Quakers, Demonstrating the destructive nature thereof, to Religion, the Churches, and the State, with consideration of the Remedy against it. Occasional Satisfaction to Objections, and Confirmation of the contrary Trueth.

By *JOHN NORTON*, Teacher of the Church of Christ at *Boston*.

Who was appointed thereunto by the Order of the GENERAL COURT.

I know thy works, and thy labour, and patience, and how thou canst not bear them which are evil; and thou hast tryed them which say they are Apostles, and are not, and hast found them lyars Rev: 2. 2.

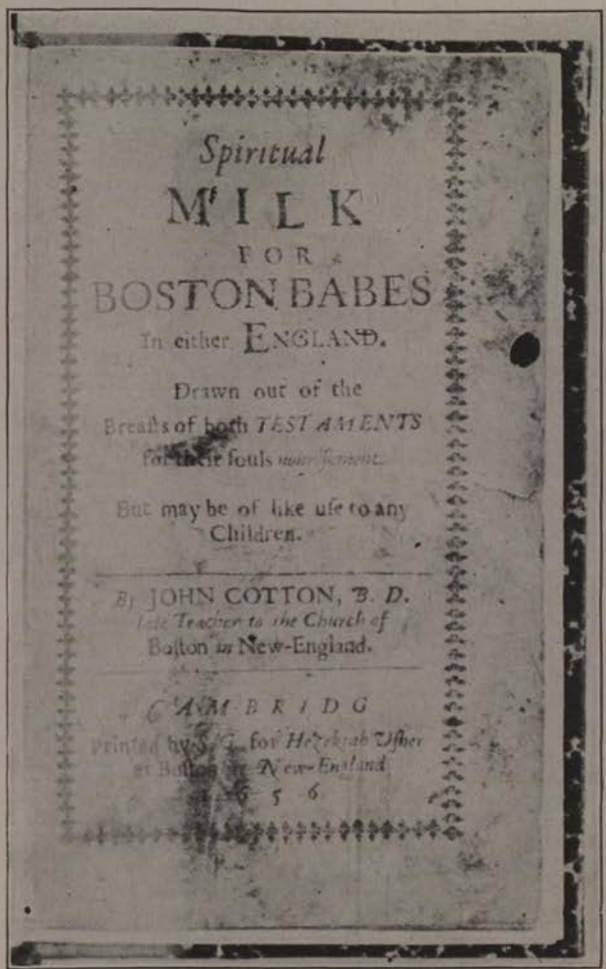
Printed by *Samuel Green*, at CAMBRIDG in *New-England*. 1659.

TITLE-PAGE OF NORTON'S BOOK AGAINST THE QUAKERS

defeat might seem less bitter, though the necessity to obey Parliament and the Lord Protector was not less imperative.

In Maryland, Virginia's neighbor, things wore a much harder face because of the revolution. The Parliament's commissioners were friends of Virginia, and had dealt very lightly with her, but they felt no kindness for Maryland. Before their coming the little province had had its own taste of war.[1] Late in 1644 William Clayborne, seeing his opportunity, had seized Kent Island again, from which Lord Baltimore had driven him at the first setting up of his government; and in February, 1645, one Richard Ingle, master of the armed ship *Reformation*, bearing letters of marque from the Parliament, put men and arms ashore and seized St. Mary's itself. The *Reformation* was one of eight ships the Parliament had commissioned to bring food, clothes, arms, and ammunition to the province "for the supply and defence and relief" of the planters who were of its party against the King; and those who bore the commission used their power with little scruple. Master Ingle, in particular, had the strong stomach for adventure and for his own gain which comes to roving sailors in a lawless age, and a spirit of mastery which was his own. Ships out of Bristol carried the King's commission to take ships out of London; ships out of London the authority of the Parliament to take all craft out of Bristol, and every man acted for his party and himself. "It pleased God," Ingle said, "to enable him to take divers places" from the papists and malignants, "and to make him a support to the well affected"; and it was close upon two years before Leonard Calvert found himself strong enough to bring a force out of

[1] See page 203.

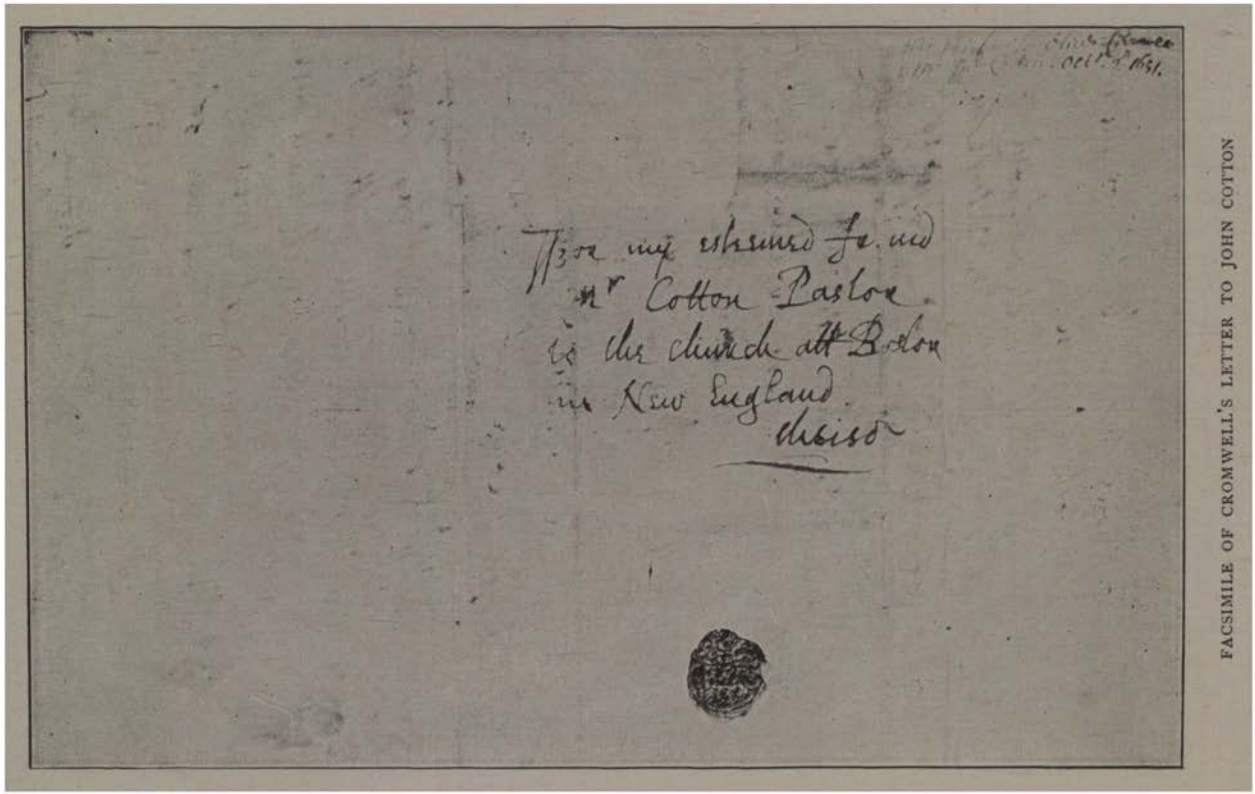

Spiritual
MILK
FOR
BOSTON BABES
In either ENGLAND.
Drawn out of the
Breasts of both TESTAMENTS
for their souls nourishment.
But may be of like use to any
Children.
By JOHN COTTON, B. D.
Teacher to the Church of
Boston in New-England.
CAMBRIDG
Printed by S. G. for Hezekiah Usher
at Boston in New-England
1656

TITLE-PAGE OF ONE OF JOHN COTTON'S TREATISES

Virginia and re-establish his brother's authority. The government of the province had not been destroyed, the while, but there had been a sad time of disorder and reprisal; partisans of the proprietor and of the King

had seen their affairs shamefully handled; and the men who ruled had governed as if upon an exigency in a day of revolution. And then, six years later (1652), the parliamentary commissioners came, and William Clayborne was one of them. At first they thought it best to make the same moderate use of their power in Maryland that they had made of it in Virginia, and simply confirmed its government as it stood, content that it should be conducted in the name of the Commonwealth in England; but they thought themselves warranted in keeping their authority under their commission from the Parliament, and two years later asserted it again to effect a revolution, because they saw the proprietor likely to regain control of his province. They assisted (1654) to put the government of the colony into the hands of a group of Puritans who had made a settlement there, and for a time,—until Cromwell himself intervened to give Lord Baltimore his rights again,—the distracted province was ruled very rigorously by a masterful minority.

The Puritans who were thus made masters had most of them come out of Virginia. For a little while they had maintained their congregations unmolested, almost unnoticed, in Virginia, in the quiet lower counties below the river and near the Bay; but Berkeley had driven them out when he grew hot against the Puritan revolutionists in England, and they had made a new home for themselves in tolerant Maryland, where not only custom, but a formal Act of Toleration, drawn by the proprietor's own hand, made them safe against molestation. They did not use their own power gently, however, when the parliamentary commissioners gave them control of the government of the colony; and called to-



FACSIMILE OF CROMWELL'S LETTER TO JOHN COTTON

Worthy &c and my Christian freind
I receaued yours a few dayes si-
thence, it was welcom to me, be-
cause signed by you, whome I love
and Honour in the Lord. but more
to see some of the same grounds of our aeliorges
shininge in you, that haue in vs
to quiet vs to our worke and sup-
port vs therein, wch hath had grea-
test difficultyes in our engagement
in Scotland; by reason we haue had
to doe wth some, whoe were (I verily
thinke) godly, but thorough weaknesse
and the Subtillyes of Satan, mucht
in interest, against the Lord, and
his people; wth what tenderesse we
haue proceeded wth such, and that
in syncerity, our papers (wch I
suppose you haue seen) well in part
manifest, and I giue you some com-
fortable assurance off. The Lord
hath marueilously appeared euen

against them: and now again
when all the power was drawne
into the Scottish Lands and the
malignant partie, they invading
England, the Lord hath raysed
upon them such snares as the
enclosed will shew, wherein only
the marvaile is shewn in this,
that of their whole armie when
the Marvaile was framed not
four of their whole Armie
were returned. Surely sr the
Lord is greatly to be feared,
as to be praised: wee owe y^r
prayers in this as much as
ever, how shall wee behave
our selves after such mercyes?
what is the Lord a doeinge?
what prophesies are now full
filling? who is a God like ours?

To move his will, to ioyne his will
with yours & him.
and so absolutely from your-
selfe to cleave, yea, thus, in a
word, I only I am ready to serue
you in the best of my skill in those
things the Churches with you. I am
a poore weake creature, and not
worthy the name of a seruant
yett ready to serue
and as gratefully
to serue obtayne you
you know not me, nor
my qualities, nor my
fullnesse, and euery way vnfitt-
nesse to any worke yett, yett,
Sir, and whom will haue mer-
cyes on whom he will, does
you pray for me, saints
& all christian freinds though vn-
known, in Christ
your affectionate freind
to serue you

Oct. 20. 1651

gether an assembly of their partisans to support them. They repealed the Act of Toleration, and no more suffered any man to differ with them than Laud had permitted Englishmen at home to differ with him before the revolution, or than the Puritan Parliament had tolerated dissent from its purposes since. For three years they had their own way in all things, and the province was no better off for their handling when the courts in England at last gave it back into Lord Baltimore's hands, in 1657.

The new government in England meant to maintain its authority in the colonies and at home no less steadily and effectively than the old government of the King had done, and Cromwell, when he became Lord Protector, proved a more watchful master than Charles had ever been, as well as a more just. But Massachusetts took leave, because it was a government of Puritans and her own friends, to practise a little more openly the independence in the management of her own affairs which she had all along meant and contrived to maintain. She very promptly dropped the oath of allegiance to the King when she heard that the Parliament had broken with him (1643); and now, when a commission which the Parliament itself had set up sought to dictate to her, though it had explicit authority "to provide for, order, and dispose all things as it saw fit" in the management of the colonies, she boldly declared that she thought it her right to govern herself without interference or appeal, so long as she remained obedient and faithful to the government at home in all things that affected Englishmen everywhere.

She took occasion, while things went their new way, to set her own government in order (1644),—between

Mr. Pym's death and the day of Marston Moor,—while England was too much distracted to know what sort of government she herself had. The Bay government was not a comfortable government for any man to live under



JOHN PYM

who was not a Puritan. The magistrates stood behind the ministers of the congregation to enforce their judgments in matters of morals, as well as to fulfil the law's commands in every ordinary matter of government. The discipline of life which was thus imposed upon all alike, of whatever age or estate, made the little common-

wealth a model place of steady work and clean living. Nowhere else in the world would you hear so few oaths uttered, or see so few idle or drunk or begging. The magistrates watched the lives and behavior of their people very diligently, and no man who did not live decently and reverently could long escape their punishment or rebuke. The weak and the sensitive suffered

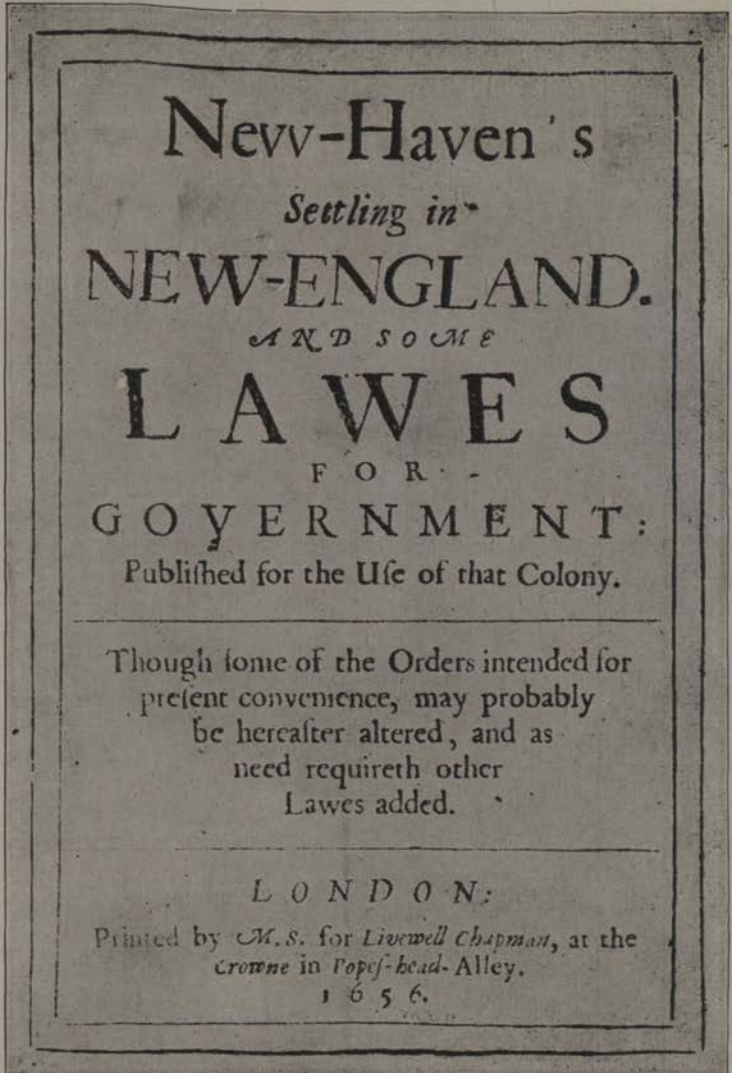


PETER STUYVESANT'S BOWERY HOUSE

very keenly under their rigor, and those who were naturally gay and of high spirits found it very irksome and painful to be always on their guard not to jest too often or amuse themselves overmuch. Sometimes the reason of a high-wrought nature here and there would break down under the burden of stern doctrine and colorless living put upon it by church and state. But the strong and naturally grave men who predominated in the staid towns found it a fine tonic to be so gov-

erned, and were confirmed in their strength and self-control. In 1648 they drew more sharply than ever the lines of the church's right to rule, in a formal platform adopted, in synod, at Cambridge. The authority of the clergy was given clear definition of law; the power of the magistrates to coerce all churches which should "walk incorrigibly or obstinately in any corrupt way of their own," was affirmed more definitely than ever; and the ecclesiastical polity of the New England churches was declared to be such a "Congregational" establishment as should in no wise be confounded with any of "those corrupt sects and heresies which showed themselves under the vast title of Independency." This "Cambridge platform" the General Court submitted to the congregations and the several congregations adopted. Henceforth no man need doubt what compulsion of worship and belief he must live under there.

New Haven and Connecticut could have admired the orderly peace and prosperity of Massachusetts more if they had found her juster and more generous in the part she played in the government of the confederation. In that they deemed her selfish. The colonies had an equal vote in the council of the confederation, but were obliged by the articles of their union to contribute to its expenses, not equally, but in proportion to their population, which threw much the heaviest burden upon Massachusetts. She, therefore, opposed all occasion of expense in matters in which she was not herself particularly interested. She would not vote to help New Haven get redress for the injuries which the Dutch had done her in the South River; she absolutely refused to take part in levying war on the Dutch when the other commissioners of the confederation voted it, when England



Nevv-Haven's
Settling in
NEW-ENGLAND.
AND SOME
LAWES
FOR
GOVERNMENT:
Publiſhed for the Uſe of that Colony.

Though ſome of the Orders intended for preſent convenience, may probably be hereafter altered, and as need requireth other Lawes added.

LONDON:
Printed by *M. S.* for *Livewell Chapman*, at the *crowne* in *Popes-head*-Alley.
1656.

TITLE-PAGE OF THE EARLIEST BOOK ON THE NEW HAVEN COLONY

herself was at war with the Netherlands; and she demanded tolls upon all goods brought from the other colonies into Boston, because the confederation sustained Connecticut's right to charge tolls at the mouth of the Connecticut River. It seemed a profitless partnership enough to Plymouth and Connecticut, but most of all to New Haven, which had suffered most from the Dutch.

The New Haven men were merchants, and had not forgot their purposes of trade when they came from London with Mr. Davenport to seek a place where they might worship as they pleased. They had chosen the quiet southerly harbor at which they had settled because of its outlook upon regions of trade, north and south, within the forests and along the coasts which spread about them; and it had come close upon ruining them to lose all that they had laid out upon the settlement on the South River of New Netherland which the Dutch had destroyed. Nothing seemed to prosper with them. While they yet waited and hoped to get redress from the Dutch, they laid out a full thousand pounds upon the fittings and freight of a vessel to be sent into England, with some of their chief men on board, to obtain both trade and a charter in the mother country; and had cut the ice in their harbor at midwinter in their haste to get her out. But they never saw the ship again, nor any that went out upon her. One June day, indeed, in 1649, while a vague mist lay upon the bay, there suddenly appeared the form of a ship upon the water, with all her tackling, and her sails set, "and presently after, upon the top of the poop, a man standing with one arm akimbo under his left side, and in his right hand a sword stretched out towards the sea.



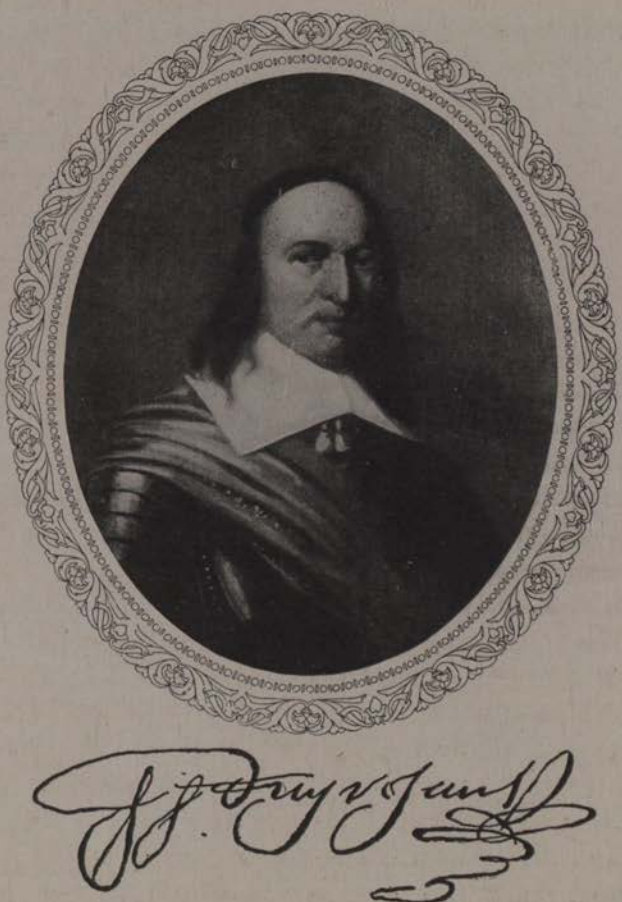
ARRIVAL OF STUYVESANT AT NEW AMSTERDAM

Then from the side of the ship which was from the town arose a great smoke, which covered all the ship, and in that smoke she vanished away." For as much as a quarter of an hour the crowd upon the beach, both men and women, gazed steadfast upon the phantom; and many deemed when it was gone that they had seen their lost craft and treasure. That same year, 1649, they turned again to the commissioners of the confederation with their urgent prayer for forcible redress against the Dutch,—and got nothing. Massachusetts again declined to lend her assistance, and war between England and Holland blew off before it came to actual conflict between the Dutch and the English in America. New Netherland began to show itself stronger than ever under a new governor,—no very wise man, but much better than Van Twiller and Kieft and the rest of the foolish men who had preceded him.

Peter Stuyvesant had been sent over as governor in 1647.[1] He made an odd figure with his wooden leg, marvellously contrived with bands and ornaments of silver, and the sly burghers of the simple-mannered New World made a jest of his pretentious way of carrying himself by calling him their "grand Muscovy Duke." But he moved about among them with a certain show of force and dignity, for all that, if he did have to limp at the business, and he made men understand at least that he was a person to be obeyed. He was quite as truculent and violent of temper and arbitrary as Kieft had been before him; but he was much more efficient, and was able to come to an understanding with his neighbors, both on the Sound and within the South River. In 1650 a treaty was at last agreed upon with the English which fixed the boundaries between their

[1] See page 191.

settlements and the Dutch, reserving on the Connecticut itself only the fort of Good Hope and the little plot of ground about it; and though the people at Hartford



PETER STUYVESANT

nevertheless seized and appropriated that also, once for all, when they heard of the war between the Netherlands and the Commonwealth at home (1654), that was no

great loss, and did not disturb the boundaries which had been drawn beyond Greenwich on the mainland and athwart Long Island at Oyster Bay. Stuyvesant more than compensated himself for the loss of Good Hope; for that same year (1654) he took a force that could not be withstood to the South River, and conclusively put an end to the Swedish power there, making the river once more a part of New Netherland, not to be disputed again by Sweden.



OLD STATE HOUSE OF NEW AMSTERDAM

Death the while thrust his hand into the affairs of New England, and sadly shifted the parts men were to play there. In 1647, the year Stuyvesant came, Mr. Hooker had been taken, leaving no such shrewd and kindly statesman and pastor behind him; and in 1649, the year the King died upon the scaffold, John Winthrop departed,—the man who had founded Massachusetts, and who had seemed its stay and prop. Then Mr. Cotton died (1652), to be followed, scarcely six months later, by Mr. Dudley. Mr. Haynes went in 1654, and



ORIGINAL TOWN HOUSE, BOSTON, 1657–1711. BUILT BY THOMAS JOY, FROM HIS OWN DESIGN

the gentle Winslow in 1655; and then Standish, the bluff soldier, who had carried so many of Plymouth's burdens at the first (1656), and Bradford, the peasant gentleman and scholar, whom all had loved and trusted (1657). Last of all, Mr. Eaton was taken (1658), and New Haven mourned her grave and princely merchant and governor as one whom she could not replace. The first generation of leaders had passed away; men of a new kind were to take their places.

Endecott still lived, to be elected governor year after year till he died (1665). Thirty years in the wilderness had done little to soften his hard rigor against those who offended, though it were never so little, against

the law or order of the colony, whether in matters of life or doctrine. He was quick to bring men and women alike to punishment for slight offences; and the days of his rule were darkened by the execution of several Quakers who had refused to quit the colony when bidden. The air cleared a little of such distempers when he was gone.

The *authorities* and *sources* for the period covered in this Section have already been named, in connection with the history of the several colonies, under Sections I. to V. of this chapter. There should be added, however, to the authorities on *Virginia*, Robert Beverley's *History of Virginia*, which is here almost a first-hand source.

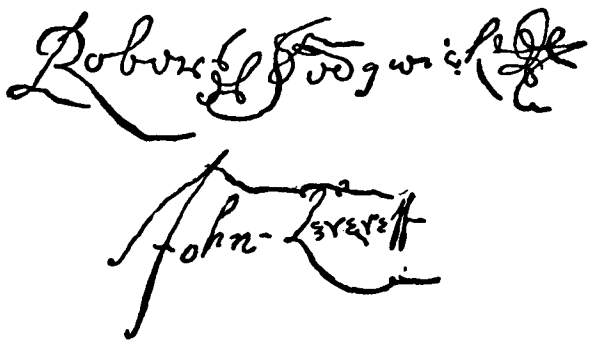
For the history of this period in England the exhaustive authority is Mr. Samuel Rawson Gardiner, in his *History of the Great Civil War, 1642-1649*, and his *History of the Commonwealth and Protectorate.*

VII. The Restoration

ALL Europe feared England's power while Cromwell ruled. No such masterful spirit had stood at the front of her affairs since great Elizabeth's day, and there seemed to be revived in him the same wide vision in the making of plans and the same passionate resoluteness in executing them that had drawn Ralegh and Drake and Frobisher and Hawkins forth to their adventures on the sea, seeking conquests for England at the ends of the earth. It was not enough for him that he should subdue Ireland and quiet Scotland by force of arms, and make himself master at home. He deemed it his duty to lead England forward once again towards the great destiny of conquest and power which men had had clear sight of in the brave days of Shakespeare and good Queen Bess, but had seemed to forget and lose heart for while the unkingly Stuarts reigned. Acting upon secret instructions from the Protector, Major Robert Sedgwick, of Charlestown, in Massachusetts, and Captain John Leverett, of Boston, led an English force into Acadia, where the French were, upon the Bay of Fundy, and made it by sudden conquest an English province (1654). That same year Admiral Blake was sent into the Mediterranean to punish the Duke of Tuscany and the pirates of Tunis for injuries they had inflicted on merchantmen out of England; and the next year, 1655, a great fleet was put upon the seas to go into

the West Indies against the possessions of Spain, and there gave the great island of Jamaica the flag and commerce of England.

Cromwell had demanded of Spain freedom of trade in the West Indies and the exemption of English subjects from the horrid tyranny of the Inquisition; not because he thought that Spain would grant these things, but because he saw what England must demand and get if she would compete for power with the Spaniard, who still every year drew great stores of gold and silver



SIGNATURES OF ROBERT SEDGWICK AND JOHN LEVERETT

and other treasure from her rich colonies in the West. He no doubt expected Spain to refuse what he demanded, and meant from the first to send men-of-war to take what she would not give. He seemed to know, like the statesman he was, what the possession of America and of her trade would mean in the future, and he was acting under counsel from America itself in what he did: the counsel of Mr. Hooke, the shrewd pastor at New Haven, his confidant and relative, of Mr. Cotton, of Boston, whom Mr. Hooke had urged to write to the Lord Protector, and of Roger Williams, who was in England (1651–

1654) while the thing was being considered, who was often admitted to private conferences with the Lord Protector, and whose knowledge, sagacity, frankness, and sweetness of nature proved much to that great soldier's liking. These men were Puritans of the same stock, breeding, and party with himself. They hated Spain as he did, as the chief instrument of the Romish Church, and they wished to cut her treasures off.

The Lord Protector was no stranger to America. It was told that he had himself tried to get away to the safe refuge of the Puritan colonies in the dark days when Charles was master and would not call a Parliament. He had joined others in signing the letter which certain members of Parliament sent into New England inviting Mr. Hooker to come back to England to assist at the reform of the Church; and he had been one of the commissioners whom Parliament had appointed in 1643 to dispose of all things in the colonies as they saw fit—the commissioners from whom Mr. Williams had obtained his charter for the Providence Plantations. No doubt Cromwell would have made a greater empire for England in America had his hands been free at home; but death overtook him ere his plans had widened to that great work (3 September, 1658).

Massachusetts used the time while the Commonwealth stood not only to settle a little more carefully the forms of her own government, but also to extend her jurisdiction over the new settlements which were springing up about her to the northward, and to set up a mint of her own to coin shillings, sixpences, and threepences to take the place of the money so fast drawn off into England to pay for the goods brought thence. And, since her people were nearly all of one mind and creed in

A DECLARATION

Of the SAD and GREAT Persecution and Martyrdom

Of the People of God, called

QUAKERS, in *NEW-ENGLAND*,

for the Worshipping of God.

22 have been Banished upon pain of Death.
03 have been MARTYRED.
3 have had their Right-Ears cut.
1 [illegible] been burned in the Hand with the letter H.
31 Persons have received 650 Stripes.
1 [illegible] Body was like a jelly.
Several were beat with Pitched Ropes.
Five Appeals made to *England*, were denied by the Rulers of *Boston*.
One thousand forty four pounds worth of Goods hath been taken from them (being poor men) for meeting together in the fear of the Lord, and for keeping the Commands of Christ.
One now lyeth in Iron-fetters, condemned to dye.

ALSO

CONSIDERATIONS, presented to the KING, which is in answer to a Petition and Advice, which was presented unto Him by the General-Court at *Boston*: Subscribed by many, the chief Persecutors there; thinking thereby to cleanse themselves from the Blood of the Innocent.

But as then, he that was born after the flesh, persecuted him that was born after the Spirit, even so it is now.

Cain's Sacrifice, that killed his Brother about Religion.

Printed for *Robert Wilson*, in *Martins Le Grand*.

TITLE-PAGE OF PROTEST OF THE QUAKERS, PUBLISHED IN LONDON EARLY IN 1660

matters of religion, she took occasion to regulate her church affairs even more stringently than the Puritans at home ventured to regulate the faith and worship of England. She put her new "Cambridge platform" rigorously into practice, stopping to doubt neither its righteousness nor its expediency. She not only thrust Quakers out, but sternly forbade all dissent from the doctrines taught by her preachers, and required that even the officers of her militia should be members of the authorized church. There was here no radical change. Massachusetts was but confirming herself in her old ways with a somewhat freer hand than before, because no fear of reproof or correction from the government over sea any longer restrained her.

Virginia, meanwhile, underwent a veritable transformation.[1] When the Parliamentary commissioners came to Jamestown in 1652, in their frigate, to summon the colony to make her submission to the Commonwealth, they had had to deal, as they knew, with no special class of Englishmen like the Puritans in New England, but with average Englishmen, mixed of gentle and common, too far away from England to be very hot party men upon either side in respect of the sad quarrel between the King and the Puritans. They professed, like other English subjects, to belong to the Church of England, and their own government there in the colony had but the other day sent



SEAL OF VIRGINIA AFTER THE RESTORATION

[1] See page 198.

nearly a thousand settlers packing out of its jurisdiction into Maryland because, though quiet people enough and fair to deal with in other matters, they had refused to observe the forms of the Church, and had openly practised a manner of worship and of church government like that set up in New England, and now in England itself. But the Virginians, take them rank and file, were not really very strenuous about the matter themselves. The Burgesses commanded very strictly the observance of the canons of the Church of England in every matter of worship; but the scattered congregations of easy-going colonists were in fact very lax, and observed them only so far as was convenient and to their taste. Archbishop Laud would very likely have thought them little better than Puritans in the way they governed their churches,—for each neighborhood of planters was left to choose its own minister and to go its own way in the regulation of its forms of service. They revered the great mother Church over sea very sincerely, and meant to be faithful to it in everything that should seem essential; but the free life of the New World made them very democratic in the ordering of the details of practice, and they were glad that there were no bishops nearer than England. Some among them, perhaps not a few scattered here and there, were known to think like the Puritans in matters of government, if not in matters of worship; and there were men of substance among the number, men like Captain Samuel Mathews, for example, one of the chief men of means in the colony, whom all deemed "a true lover of Virginia," notwithstanding the frank and open freedom he used in differing with his neighbors when they exalted Church or King.

Captain Richard Bennett they elected governor under



James Blair

JAMES BLAIR

the new agreement with the Commonwealth in England, notwithstanding the fact that he had been the leader of the Puritans whom Sir William Berkeley had driven into Maryland for contumacy in disobeying the laws of the colony, and had, besides, been one of the commissioners who had compelled them to submit to the Puritan government in England. When his term was out they chose Mr. Edward Digges, who was no Puritan, and then Captain Mathews himself, who died in the office just as the Commonwealth came to an end in England. The Burgesses were the real governors of the colony all the while, as they made Captain Bennett and Mr. Digges and Captain Mathews understand, and the House of Burgesses was made up of men of all opinions. Some parts of the colony were very impatient under the government that had ousted the King, and those parts were as freely represented among the Burgesses as any others. There was Northampton county, for example, lying almost by itself, on the "eastern shore" beyond the Bay, whose local authorities, not content with what the Burgesses had put into their resolutions concerning the death of the King, had themselves proclaimed Charles, the dead king's son, "King of England, Scotland, Ireland, and Virginia, and all other remote provinces and colonies, New England, and the Caribda Islands" (December, 1649). It cost a good deal of watchfulness and steadiness in governing to keep such men quiet even under their own assembly; and the Burgesses themselves hastened to call Sir William Berkeley back to the governorship again when they learned that Richard Cromwell had declined to maintain his father's place in the government at home. England had not yet enthroned Charles II.; things

hung for many months in a doubtful balance; and the Burgesses conducted Virginia's government the while in their own name. Sir William Berkeley was only



Charles CHARLES II.

their servant as yet, and they chose Captain Bennett also to be of the governor's council; but Sir William was more to their mind, after all, than commonwealth men, and they very promptly acknowledged him the King's governor again when they knew that Charles

had been received and restored in England,—returning with a certain sense of relief to their old allegiance and their long accustomed ways of government.

Then it was that it began to become apparent how much Virginia had changed while the Commonwealth stood, and how uneasy she must have become had the Commonwealth lasted much longer. During that time a great host of royalist refugees had sought her out as a place of shelter and safety, if not of freedom,—a great company, to be counted at first by the hundreds and then by the thousands, until Virginia seemed altered almost in her very nature and make-up. The steady tide of immigration did not stop even at the fall of the Commonwealth and the restoration of Charles, the King. The congenial province still continued to draw to itself many a Cavalier family whom days of disaster and revolution had unsettled, or to whom she now seemed a natural place of enterprise and adventure. Not the regions of the first settlement merely, on either side the James, but the broad tide-water country to the northward also between the York and the Rappahannock, between the Rappahannock and the great Potomac, filled with the crowding new-comers. In 1648 there had been but fifteen thousand English people in Virginia; in 1670 there were thirty-eight thousand, and nine new counties sent Burgesses to her assembly. The population had more than doubled in about twenty years; and most of those who had come from over sea to be added to her own natural increase were Cavaliers, men who wished to see the rightful King upon the throne, and England secure once more under her ancient constitution.

This great immigration, though it brought to Virginia men who were all of one tradition and way of life, did

not mean the introduction of a new class of gentle-folk. No doubt a great many of them were of gentle blood and breeding; no doubt an unusual number of them were persons of means, who could afford to purchase and maintain large estates on the rich river bottoms. It is certain that with their coming came also a very noticeable change in the scale and style of living in the colony. More big grants of land were made. Great plantations and expensive establishments became more common than before. Negro slaves were more in request, and the Dutch and New England ships which brought them in from Africa or the Indies more welcome in the Bay than ever. The society of the little province was enriched by the gracious presence of many a courtier, many a cultured gentleman, many a family of elegance and fine breeding, drawn from the very heart of English society. But this was not the first time that Virginia had seen such people come to live on her fertile acres. There was no novelty except in their numbers. There had been men of like extraction, manners, and principles in the colony from the first,—not a great many, perhaps, but quite enough to keep all men in remembrance of the gentle middle and upper classes at home: gentlemen as well as boors, noted blood and obscure, good manners and bad. There now came men a great many like Colonel Richard Lee, of the ancient family of Coton Hall in Shropshire, honored since the thirteenth century with places of trust and distinction in the public service; like Mr. John Washington, grandson of Lawrence Washington, of Sulgrave and Brington, and cousin of that gallant Colonel Henry Washington who upon a famous day had stormed Bristol with Rupert,—who had told Fairfax he would hold Worcester till he should

receive his Majesty's command to yield it up, even though his Majesty were already a prisoner; men like the Randolphs, the Pendletons, the Madisons, the Ludwells, the Parkes, the Marshalls, the Cabells, the Carys, who had time out of mind felt the compulsion of honor bred in them by the duties they had performed, the positions they had won, the responsibilities they had proved themselves able to carry. But Virginia received them as of no novel kind or tradition. Men of Cavalier blood were no breeders of novelties. They were not men who had doctrines to preach or new ideals of their own to set up. They were merely the better sort of average Englishmen. They preferred settled ways of life; had more relish for tradition than for risky reforms; professed no taste for innovation, no passion for seeing things made unlike what they had been in older days gone by,—openly preferred the long established order of English life. They gave to the rapidly growing tide-water counties in which they settled their characteristic tastes and social qualities; established a very definite sentiment about government and social relationships, like that at home; but they rather confirmed the old tendencies of the place than gave it a new character.

They only made complete the contrast that had all along in some degree existed between Virginia and New England. It was men of the King's party, the party of the Restoration, to whom Virginia now became a familiar home, and the coming of the second Charles to the throne seemed an event full of cheer in the southern colony. Men bred like the Cavalier families of Virginia in every social matter, drawn from sound county stock and ancient lines time out of mind gentle and elevated to the

ranks of honor, had gone into New England also at the first: Winthrops, Dudleys, Winslows, Saltonstalls, Chaunceys,—men bred, like Cromwell himself, to influence and position. But they were men whom a new way of thought had withdrawn from the traditions of their class and set apart to be singular and unlike the rest of Englishmen. To the Cavalier gentlemen of Virginia the home government now seemed healed and sound again, and affairs settled to that old familiar order which best suited Virginia's taste and habit. There came increase of wealth, too, with the tide of immigration, which ran steadily on; and the plantations seemed quick with hopeful life once more. To the Puritan gentlemen of New England, on the contrary, all hopeful reform seemed at an end, and the government they had made and cherished put in critical jeopardy. Their chief concern, now as always, was to be let alone; to be allowed to conduct their affairs for themselves, after the Puritan model, unchecked and unmolested. They had liked the setting up of the Commonwealth in England, not because they felt any passion against the King, but because the new government was a government of their own friends, and might no doubt be counted upon to indulge them in the practice of a complete self-government. Their passion was for independence. Their care was to cut off all appeal from their authority to that of the government at home. They meant to maintain a commonwealth of their own; and there was good reason to fear that the King, whom the Puritans in England had kept from his throne, and Cromwell's death had brought back, would look with little favor upon their pretensions.

As a matter of fact, it was the Puritan Parliament itself

which had taken the first step towards bringing all the colonies alike into subjection to the government in England,—at any rate, in everything that affected commerce. In 1651 it had enacted that no merchandise either of Asia, Africa, or America should be imported into England, Ireland, or any English colony except in ships built within the kingdom or its colonies, owned by British subjects, and navigated by English masters and English crews,—unless brought directly from the place of its growth or from the place of its manufacture in Europe. It was no new policy, but an old, confirmed and extended to a broader reach and efficacy. It was not meant as a blow at the trade of the colonies,—except, it might be, at the trade of Virginia and the Barbadoes, which had been a little too bold, outspoken, and insubordinate in protesting against the execution of Charles and the setting up of the Commonwealth,—but for the aggrandizement of Englishmen everywhere. Sir George Downing had suggested the passage of the act, a man born in New England and of the Puritan interest on both sides of the sea. The new leaders in England had revived the purposes and hopes of Gilbert and Ralegh and Elizabeth, and meant to build up a great merchant marine for England, and so make her the centre of a great naval empire. They were striking at the Dutch, their rivals in the carrying trade of the seas, and not at the colonists in America, their fellow-subjects. The Dutch recognized the act as a blow in the face, and war promptly ensued, in which they were worsted and the new mercantile policy was made secure against them. It was a way of mastery which caught the spirit of the age, and men of the King's party liked it as well as those did who had followed

Cromwell. The very first Parliament that met after the Restoration (1660) adopted the same policy with an added stringency. It forbade any man not a subject of the realm to establish himself as a merchant or factor in the colonies, and it explicitly repeated the prohibitions of the act of 1651 with regard to merchandise brought out of America or Asia or Africa. Certain articles, moreover, produced in the colonies, it reserved to be handled exclusively by English merchants in England. Chief among these were the sugar of the Barbadoes and the tobacco of Virginia. These were not only to be carried exclusively in English bottoms, but were also to be exported only to England. It seemed a great hardship to the Virginian planters that they were thus put at a double disadvantage, forbidden to choose their own carriers and also forbidden to choose their own markets, obliged both to pay English freights, whatever they might be, and also to put everything into the hands of English middlemen. But Parliament gave them compensation, after all, and they found in due course that there was little less profit under the acts than before. Treble duties were put upon Spanish tobacco brought into England, that they might have the market to themselves, and a great part of their cargoes went on, through England, to the northern countries of the continent, with a handsome rebate of duties. They soon adjusted themselves to the system.

An act of 1663 made a very weighty addition to the series of restrictions. It forbade the importation into the colonies of "any commodity of the growth, production, or manufacture of Europe" except out of England and in English ships. No ship, though an English ship and manned by English seamen, might thereafter law-

fully carry any merchandise directly out of Europe to the colonies. England must be the *entrepôt*. The frank preamble of the act stated its purpose. It was intended to maintain "a greater correspondence and kindness" between the people of his Majesty's plantations and the people of England, to keep the plantations "in a firmer dependence" upon the kingdom, and to render them "yet more beneficial and advantageous unto it" by using them for "the further employment and increase of English shipping and seamen" and as "the vent of English woollen and other manufactures and commodities, rendering the navigation to and from the same cheap and safe, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places, for the supplying of them." Such, added the preamble, was "the usage of other nations, to keep their plantations' trades to themselves."

To obey these acts meant to exclude all foreign ships from English ports in America, the ships of the neighborly Dutch at New Amsterdam with the rest, and to cut the colonies off from all direct transactions with foreign markets, making them dependent upon England whether they bought or sold. But, if obedience were forced upon them, there were compensations. English capital, after all, supplied them with the means to grow and to make their adventures in commerce, and deserved its reasonable encouragement without grudging. Ships built in the colonies were English-built ships under the meaning of the statutes, and New England turned her hand with a great aptitude and ardor to building ships out of the incomparable timber which stood everywhere ready in her

virgin forests. It transformed both her life and her industry to be thus set to rival the Dutch and the shipbuilders and seamen at home in the carrying trade of the seas, and every village that had its port or outlet set up stocks and built sea-going craft, if only to carry cargoes up and down the long coast. European stuffs, too, though brought out of England, oftentimes cost less than the English themselves had to pay for them; for in England they paid duties to his Majesty's customs, but if they were sent forward to the colonies the duties were remitted. The system appeared not so niggardly when looked at on every side.

Moreover, the acts might be disobeyed with some impunity at the safe distance of America. New England did, in fact, openly ignore them. For more than fifteen years after the passage of the act of 1660 she traded as she pleased, in entire disregard of the authority of Parliament. These Acts of Navigation[1] (for so they were called) had not been passed with their consent, the Massachusetts General Court declared, and were not binding upon them. But neglect of laws passed by Parliament only made it the more certain that the government of the King would some day, when it found leisure for the business, turn its hand to discipline and bring the too independent colonists to a reckoning. The colonies were now no longer the insignificant settlements they had been before the air in England darkened with the trouble between Parliament and Charles I. They had become lusty States, very noticeable, and altogether worthy of the attention of the home government. They were subject, under the arrangements of English law, entirely to the authority of the King in council,—that is, to such members of the King's

[1] See page 267.

Privy Council as he chose to clothe with authority in the matter of their government; and there stood at the elbow of the new King a man of statesmanlike power



EDWARD HYDE, EARL OF CLARENDON

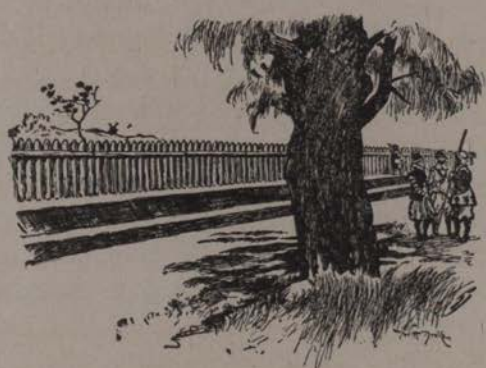
and perception, Edward Hyde, Earl of Clarendon, whose advice began to give a novel thoroughness of system to the administration of the growing possessions of the crown. He became a member of the general

council appointed to oversee all foreign plantations at the very outset of the new King's reign (December, 1660), and presently became a member also of the special committee of the Privy Council charged in particular with the settlement of the affairs of New England (May, 1661), giving to its policy spirit and direction.

Massachusetts was keenly aware how open she was to attack, if it came to a question of obedience. Her magistrates had from the first systematically neglected to administer the oath of allegiance to new settlers, though their charter explicitly commanded that it should be administered. They administered, instead, an oath of fidelity to the government of Massachusetts. They had excluded members of the Church of England not only from the right to vote, but even from the right to use the appointed services of that Church in their worship. They had extended their authority over districts to the northward which clearly lay beyond the bounds of the lands granted them in their charter. They had denied to those who sought to exercise it the right to appeal from their decisions to the King's courts in England, and had even punished some who made as if they would appeal in spite of them. They were not surprised, therefore, when, in 1664, the King appointed commissioners to look into their dealings with the crown, with their neighbors, and with their own subjects, and prepared themselves for as shrewd a defence and fight for their independent powers as the circumstances might permit. They had offended in the very points in respect of which Clarendon felt most clearly justified in insisting that they should submit to royal authority. He meant to insist upon an observance of the Navigation Acts, upon the

recognition of the civil rights of members of the Church of England, and upon the subordination of the colonial courts to the courts of the King by the establishment of the right of appeal, at any rate in cases of special significance.

Massachusetts, moreover, had been very slow about proclaiming Charles II. king. Her magistrates had waited more than a year after first hearing of the Restoration before they publicly and in proper form pro-



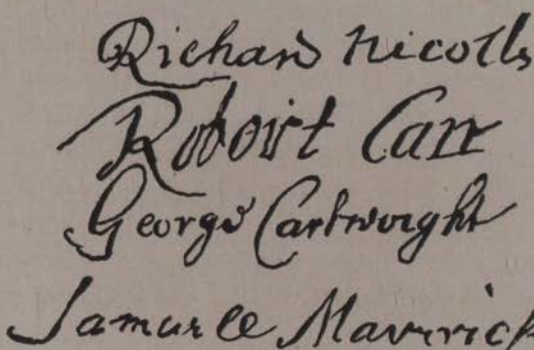
THE WALL, WALL STREET, NEW YORK, 1660

claimed his authority, wishing to make sure that the unwelcome news was true and the King actually accepted in England. The ship which brought the news, in August, 1660, had brought also two officers of Cromwell's army, Edward Whalley and William Goffe, who had signed the late King Charles's death-warrant, and were now fugitives from England; for the Parliament had excluded from the Act of Indemnity and pardon, which had accompanied the new King's return, all "regicides," all who had been directly concerned in the death of Charles I. Many of those who had not fled

were already under arrest, Sir Harry Vane among the rest, presently to be sent to the scaffold; but the colonists in New England befriended these men who had fled to them, and Colonel John Dixwell also, who soon followed them; and kept them safe against all searches of the King's officers until they died. Massachusetts sent agents of her own into England to make her peace with the King; but they returned with a letter from his Majesty which commanded an immediate recognition of his authority, the administration of justice in his name, the toleration of the Church of England, and a repeal of the laws by which the right to vote was restricted to members of their Puritan churches. It was the sharp tenor of this letter that made them anxious how they should fare at the hands of the royal commissioners who came in 1664.

Fortunately for Massachusetts, the settlement of her government was not the first or chief business of the commissioners. Their titles showed for what they had been chosen,—Colonel Richard Nicolls, Colonel Sir Robert Carr, and Colonel George Cartwright, officers of the royal army, with but one civilian associate, Samuel Maverick, a one-time resident of Massachusetts, but long since forced out of the colony for his failure to agree with the exacting magistrates in matters of worship and of government. Though they were directed "to dispose the people" of the New England settlements "to an active submission and obedience to the King's government," and came upon a business like that which the commissioners of the Commonwealth had twelve years ago so quietly carried through in Virginia and Maryland, their chief errand was to make an end of the Dutch power in America. They came with a fleet of

three ships of war and a transport carrying four hundred and fifty soldiers, to capture New Amsterdam and make New Netherland once for all an English province. Not that England was at war with the Dutch. It was claimed that England had from the first owned all the country of the coast, and that the Dutch had all along been



SIGNATURES OF THE COMMISSIONERS TO RETAKE NEW NETHERLAND

intruders, as the English settlers on the Connecticut had again and again told them. The claim was not just; for the Dutch had unquestionably been the first to discover and the first to settle upon the Hudson, the Connecticut, and the great Sound itself; but it was true that the kings of England had all along asserted their exclusive title there, as elsewhere on the long Atlantic seaboard, all the way from the French settlements in the north to Florida and the Spanish settlements in the south, and had more than once included the lands upon which the settlements of New Netherland lay in their grants to trading companies and to individuals who promised to take settlers out.

"The Dutch had enjoyed New Netherland during the distractions of the reign of Charles II. without any

other interruption" than the occupation of their lands upon the Connecticut by the New Englanders, and the settlement first of the Swedes and then of the English on the Delaware; but the ministers of Charles II., though they were "for some time perplexed in what light to view them, whether as subjects or as aliens, determined



EARLY WINDMILL, NEW YORK

at length that New Netherland ought in justice to be resumed." Such was the way in which English writers afterwards spoke of the matter, putting into their histories what they wished to believe. But the facts are plain enough. The claim of right was a pretext. English statesmen saw that they could not enforce the Navigation Acts in America so long as the English colonies had the Dutch next door to trade with as they

pleased. They saw also that the great Hudson was the natural highway to the heart of the continent and to the land of the fur trade. They knew how inconvenient it was, and how dangerous it might become, to have the Dutch power thrust, a solid wedge, between their own northern and southern colonies, covering the central port and natural mart of the coast. They made up their minds, therefore, to take what they wanted by force. The ministers of Charles were but resuming the plans of Cromwell, who had sent a fleet into America to do this very thing, when the first Navigation Act provoked the Dutch to war, and had withdrawn it only because he immediately got, by a treaty of peace, something that he wanted more.

The first step taken by King Charles was to give New Netherland by royal grant to his brother James, the Duke of York and Albany, all the lands lying within the wide sweep of a line drawn up the western bank of the Connecticut River, from the sources of the Connecticut to the sources of the Hudson, "thence to the head of the Mohawk branch of the Hudson River, and thence to the east side of Delaware Bay" (March, 1664).[1] The commissioners were sent on their men-of-war to take possession in the Duke's name. The thing proved easy enough. The doughty Stuyvesant was taken entirely by surprise, had no force with which to withstand Charles's ships, found the peaceable burghers about him loath to fight, and yielded without a blow struck, though he would rather have lain in his grave, he said, bitterly, than make such a surrender. There was no choice with but an hundred and fifty men trained to arms and but twenty guns upon the fort against the King's frigates and an army.

[1] See page 245.

The settlement of the forms of government under which the English should rule was almost as easily effected; for Colonel Nicolls, the English commander, was not less a statesman than a soldier, knew how to be wisely generous and make liberal provision for privileges and securities of right and property which should belong to the Dutch settlers as freely as to the English, and within a year of his coming had transformed New


In this Vault lies buried
PETRUS STUYVESANT
Late Captain General & Governer in Chief of Amsterdam
In New Netherland now called New York
And the Dutch West-India Islands. Died A.D. 1673
Aged 80 Years

SLAB MARKING THE TOMB OF PETER STUYVESANT, OUTER WALL OF ST. MARK'S CHURCH, NEW YORK

Netherland into New York,[1] under laws which promised toleration and good government, and which all sensible men accepted with satisfaction. And yet it was not, Colonel Nicolls found, an easy place at which to be set down as governor. There was a very puzzling mixture of peoples and of institutions to be dealt with. The Duke's grant covered all of Long Island, which the Dutch had not tried to govern beyond Oyster Bay. English towns dotted the island which had been parts

[1] See page 282.

of Connecticut or of the colony of New Haven, and which had always used their English liberty in matters of local government. Near at hand upon the island, and up the long reaches of the North River, where the Dutch towns lay, magistrates ruled whom Stuyvesant had appointed, or the agents of some potent patroon. At New Amsterdam itself men of all nationalities, creeds, and ways of life were to be found mixed in cosmopolitan variety. On the South River were settlements half Swedish, half Dutch. It was impossible to thrust upon all of these a single system of government. Where the Dutch had ruled it was still feasible to govern without elections, through officers whom the governor appointed, and under laws enacted in the governor's council; but the English towns insisted upon having a voice in the choice of their own magistrates, and used their town meetings, whether they were legal or not under the Duke's decrees, to direct the officers whom they elected in the discharge of their duties. Fortunately Colonel Nicolls was but thirty-nine when he came to the task, had still the elasticity of a young man in his make-up, saw with clear, frank eyes, and was no less conciliatory than firm in action. His tact and decision established "the Duke's Laws" with little difficulty outside the English towns, though with many a local adaptation, and even in the English towns he managed to lack nothing that was essential to his authority. The governor and his council, themselves the appointees and servants of the Duke of York, ruled the whole colony without serious let or obstacle, and made new laws when there was need; but ruled with a new temperance which the Dutch had not seen before, and made provision for just methods of administration in everything. There

was trial by jury, there were equality and unquestioned security in the tenure of lands, and practically absolute freedom of belief and worship; and the inhabitants of the captured province saw much to be content with.

It was of the first consequence that English power should be well and wisely rooted there at the gates of the Hudson. That mighty river, pouring down out of the north, came straight from the country where the French were masters. Its valley and the valleys which opened into its own, bringing their waters also out of the north, and the lakes which stretched above, almost to the stream of the St. Lawrence, were the veritable keys to the continent. There English power must be kept or broken. Charles, the King, may not have comprehended the full significance of what he did when he sent his fleet to plunder the Dutch and make New Netherland a province for his brother. But every thoughtful man in America knew. Here was not only the greatest of all the highways to the country of the fur trade; here was also the strategic centre of the continent itself. Whoever should be indeed master here might call all America his own, upon all the coast and throughout all the deep forests which lay upon it. The colonies of the English could not be drawn together either for mastery or for defence without this central harbor and water-way to the heart of the north. It was well the Duke had sent so wise a man and so capable to make good the English foothold there.

But it was not a little disturbing that the King had sent the fleet to annex a part of New England as well as all of New Netherland to the Duke's domain. He had made his grant to the Duke run eastward to the banks of the Connecticut; and yet (had he forgotten?)

he had already given away the lands there, on both sides of the river, not two years before, by a formal charter grant (April, 1662), to John Winthrop, governor of the settlements that had taken the name Connecticut.[1] Until then the settlers there had had no charter at all. For seventeen years they had lived under a government of their own framing, and with only such rights as they were able to buy under former grants made by the old Council for New England. But now, by the address and good management of their capable governor, the accomplished son of the John Winthrop who had died governor of Massachusetts, they had been secured in their rights both of occupation and of government under a most liberal charter, which left them as free to choose their own governors as before. The younger Winthrop, himself a man of fifty-six, was well known in England. It was his privilege to assist, almost at this very time, in the foundation of the Royal Society, and afterwards to become one of its Fellows; he had influential friends near the person of the King; his own charm of manner and gifts of mind were calculated to make his Majesty forget that he was son-in-law to Hugh Peter, who had preached to the first Charles at his condemnation; and he got what he wanted for Connecticut.

In the indefinite terms of his charter the boundaries of Connecticut were to run westward to the South Sea (as the English still called the Pacific); to the deep chagrin of the New Haven people, it included their own towns; certainly it ran athwart the later gift to the Duke of York. For the time being that was not a matter of much practical importance. The Duke did not attempt to exercise his authority in the Connecticut settlements,

[1] See page 183.

and an agreement was presently reached that Connecticut should have jurisdiction to within twenty miles of the Hudson. Though that agreement never received the royal sanction, it sufficed for the moment. What seemed to the New Haven people of much more consequence was that Governor Winthrop had managed to sweep their towns within his charter grant. They liked neither the politics nor the church government of the Connecticut towns above and about them, and for two years stood out against being absorbed. It seemed better, however, to belong to Connecticut than to belong to the Duke of York's province, as they might be obliged to if they did not accept Mr. Winthrop's charter; Mr. Winthrop was himself very wise, moderate, and patient in pressing the union upon them; and in 1665 they yielded, making Mr. Winthrop governor of the united towns upon the river and the Sound.

The King's commissioners did not fare very well when they turned from the taking of New Netherland to the examination and settlement of affairs in Massachusetts. In the other colonies which they had been directed to set in order they had little difficulty. Connecticut and Rhode Island were just now in favor at court, and gave the commissioners little to do except settle the boundaries between them. Rhode Island had obtained a new charter from the King in July, 1663,[1] scarcely a year after Mr. Winthrop had got his for Connecticut; and, though she had had some difficulty in saving an important strip of territory which Connecticut's charter had been made to include, that matter was in the way to be adjusted before the commissioners came. In Plymouth they found the magistrates ready to make most of the concessions his Majesty had instructed

[1] See page 214.



By the King.

A PROCLAMATION

For Apprehension of *Edward Whalley* and *William Goffe*.

CHARLES R.

Forasmuch as Edward Whalley commonly known by the name of Colonel Whalley, and William Goffe commonly called Colonel Goffe, are amongst others, by an Act of this present Parliament, Entituled, An Act of Free and General Pardon, Indemnity and Oblivion, wholly excepted from Pardon, and left to be proceeded against as Traytors, for their execrable Treasons in sentencing to death, signing the Instrument for the horrid Murder, or being instrumental in taking away the precious Life of Our late dear Father of Blessed Memory.

And forasmuch as they the said Edward Whalley and William Goffe, having absented and withdrawn themselves, and fled, as We have been informed, to the parts beyond the Seas, are now, as We certainly understand, lately returned into Our Kingdom of England, and do privately lurk and obscure themselves in places unknown: We therefore have thought fit, by, and with the Advice of Our Privy Council, to publish the same to all Our loving Subjects, not doubting of their Care and forwardness in their apprehension. And We do hereby Require and Command all and singular Our Judges, Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables and Headboroughs, as also the Officers and Ministers of our ports, and other Our Subjects whatsoever within Our Realms of England, Scotland, Ireland, or Dominion of Wales, and all other Our Dominions and Territories, of what degree or Quality soever, diligently to Inquire after, Search for, Seize and Apprehend them, the said Edward Whalley and William Goffe, in all places whatsoever, albeit within Liberties as without, which they shall happen to Take and Apprehend, Our further Will and pleasure is, That they cause them and either of them so Apprehended, to be safely carried to the next Justice of the Peace, to the place where they or either of them shall be Arrested, whom We strictly Command to Commit them and either of them to Prison, and presently Inform Us or Our Privy Council of their or either of their Apprehensions.

And We do hereby further Declare and Publish, That if any Person or Persons after this Our Proclamation published, shall Directly or Indirectly Conceal, Harbor, Keep, Retain, or Maintain the said Edward Whalley and William Goffe, or either of them, or shall Conceive or Connive at any means whereby they or either of them shall or may Escape from being Taken or Arrested, or shall not use their best Endeavors for their and either of their Apprehensions, Assist by giving Our Assistance and Authority to Our Officers, as by all other good means, We will as thereto shall Chuse proceed against them that shall so neglect this Our Commandment with all severity.

And lastly We do hereby Declare, That whosoever shall Discover the said Edward Whalley or William Goffe, either within Our Kingdoms of England, Scotland, Ireland, or Dominions of Wales, or in any other our Dominions and Territories, or elsewhere, and shall cause them, or either of them, to be Apprehended, and brought in alive or dead, if they or either of them, attempting Resistance, happen to be slain, shall have a Reward of One hundred pounds in money for each of them to be brought in, dead or alive, as aforesaid, to be forthwith paid unto him in recompence of such his Service.

Given at Our Court at Whitehall the Two and twentieth day of September in the Twelfth year of Our Reign.

London, Printed by Christopher Barker and John Bill, Printers to the Kings most Excellent Majesty. 1660.

FACSIMILE OF THE KING'S PROCLAMATION FOR THE ARREST OF WHALLEY AND GOFFE

them to demand. But in Massachusetts they were utterly defeated of their purpose.

Colonel Nicolls could be very little with them, because he was engrossed in the pressing and necessary business of settling the government of the Duke's province of New York;[1] and yet they were not permitted by their commission to take any official action without him. Sir Robert Carr and Colonel Cartwright were men wholly unfitted to transact business of delicacy and importance. They had neither tact nor weight of character, nor any knowledge or experience in such affairs as they now tried to handle; and they were dealing with astute men who knew every point of the controversy and every mooted question of law like parts of a familiar personal experience. The Massachusetts General Court had adopted a declaration of their rights by charter the very year they tardily proclaimed Charles II. king (1661), as if anticipating an attack upon their government. In it they had argued their right to a complete self-government, and had declared that they owed no further direct duty to the King than allegiance to his person, the safe-keeping of that part of his territories over which they exercised jurisdiction, the punishment of crime, and the protection of the Protestant religion; and they maintained nothing less now in the presence of the commissioners. It proved impossible to bring them to terms. The commissioners more than once put themselves in the wrong by a loss of temper or an unwarranted assumption of authority; and the whole matter had at last to be referred back, unsettled, to the King. A letter thereupon came out of England commanding Massachusetts to send agents over to deal with the authorities there; but they found a way to

[1] See page 257.

avoid obedience to the summons, and once again, as when their charter had been attacked thirty years before, the attention of statesmen at home was called off from their business to matters of more pressing consequence. Clarendon, who was the master spirit of the new policy of the government towards the colonies, too stout for prerogative to suit the Parliament, too stiff for right to suit the King, lost his place and was banished the kingdom in 1667, the year after the commissioners returned to England with their report of failure. The Dutch accepted the gage of war thrown down by England's seizure of New Netherland, and the struggle widened until it threatened to become a general European conflict. Without Clarendon, politics dwindled in England to petty intrigue. There was time to take breath again at the Bay. Massachusetts was, it turned out, to keep her jealously guarded charter for nearly twenty years yet.

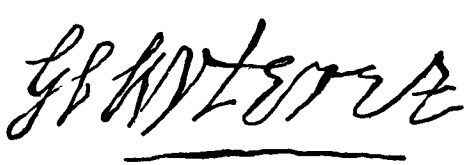
Here the chief *authorities* and *sources* are those already referred to under Sections I. to V. of this chapter.

VIII. New Jersey and Carolina

THE Restoration and the reassertion of royal authority had done much to check the growth of Massachusetts and her neighbor colonies of the Puritan group, but it had noticeably stimulated settlement to the southward, near where Virginia lay with her Cavalier leaders; and even in New England a natural growth went slowly on. Clarendon had been statesman enough to see that the colonies in America were no longer petty settlements, lying outside the general scheme of national policy. He saw that they were now permanent parts of a growing empire, and he had sought until his fall to bring them under a general plan of administration, which the commissioners of 1664 were to take the first step towards setting up. America was no longer merely a place of refuge for Puritans and royalists, each in their turn, no longer merely a region of adventure for those whose fortunes desperately needed mending. It was henceforth to be a place of established enterprise and of steadfast endeavor pushed forward from generation to generation; and the steady advance of English settlement, showing itself now almost like the movement of a race, already sufficiently revealed what the future was to bring forth.

The capture of New Netherland, though it brought war upon England, seemed to secure peace for America. There was no longer, when Colonel Nicolls was done,

an alien power between New England and Virginia. The whole coast was at last indisputably English land, all the way from the little settlements struggling for existence far to the north in the bleak forests which lay beyond the Massachusetts grant to Spain's lonely forts in the far south by the warm bays of Florida. That was a royal principality which the Duke of York had received from the lavish Charles,—all the great triangle of rich lands which spread northward and westward between the Connecticut and the lower waters and great Bay of the Delaware, Long Island, Nantucket, Martha's Vineyard, and all their neighbor islands, great and small, included,—and Colonel Nicolls had established his authority, at any rate at the centre of it, where the Dutch had been, in a way that gave promise of making it abundantly secure. But the Duke was a Stuart, and no statesman; loved authority, but was not provident in the use of it; and parted with much of the gift before it was fairly in his hands. Colonel Nicolls and his fellow commissioners did not take possession of New Amsterdam until August, 1664, and it was then nearly two months since the Duke had given a large



SIGNATURE OF GEORGE CARTERET

part of New Netherland away to his friends Lord John Berkeley, Baron of Stratton, and Sir George Carteret, of Saltrum.

Late in June he had granted to these gentlemen,

his close associates in friendship and in affairs, his colleagues in the Board of Admiralty, over which he presided, all his own rights and powers within that part of his prospective territory which lay to the south of 41° 40′ north latitude and between the Delaware River and the sea, touching the Hudson and the harbor of New York at the north, and ending at Cape May in the south. This new province he called New Jersey, in compliment to Sir George Carteret, who had been governor of the island of Jersey when the Parliament was arrayed against the King, and who had held it long and gallantly for his royal master.[1] Colonel Nicolls, the Duke's able governor in New York, knew nothing of the grant of New Jersey until the ship *Philip* actually put into the harbor in July, 1665, bringing a few settlers for the new province and Philip Carteret, a kinsman of Sir George's, to be its governor. Colonel Nicolls had but just completed his careful organization of the Duke's possessions; had put his best gifts of foresight and wise moderation into the settlement of their affairs, to the satisfaction of the numerous Dutch as well as of the less numerous English established there; and was not a little chagrined to see a good year's work so marred by his improvident master's gift. There was nothing for it, however, but to accept the situation and receive the representative of the new proprietors with as good a grace as possible, like a soldier and a gentleman. Knowing nothing of the grant to Berkeley and Carteret, he had already authorized a settlement at Elizabethtown, on the shore that lay nearest to Staten Island to the westward, and had granted rights and titles to other purchasers who had settled on the southern shore of the great outer Bay, near Sandy Hook; and the new

[1] See page 254.

colonists there now discontentedly doubted what their rights would be.

Much the larger part of the population of the original province of New Netherland, however, still remained under the authority of Colonel Nicolls and "the Duke's Laws," notwithstanding the setting apart of New Jersey to be another government,—in one direction, indeed, more than the Dutch themselves had pretended to govern; for the Duke's possessions included all of Long Island, the portion which lay beyond Oyster Bay and which had been conceded by the Dutch to the English in 1655, as well as the parts which lay close about the bay at New York. There were probably about seven thousand souls, all told, in New Netherland when the English took it, and of these fifteen hundred lived in the little village which was drawn close about the fort at New Amsterdam. The rest were near at hand on Long Island and on Staten Island, or were scattered up and down the lands which lay upon the Hudson on either hand as far as Fort Orange, which Colonel Nicolls renamed "Albany," because James was Duke of York and Albany. The Swedes, also, who had settled on the South River (the Delaware), and whom Stuyvesant had conquered, had built for the most part on the western bank of the river, and were outside the bounds of New Jersey. On the eastern bank, where Lord Berkeley and Sir George Carteret were to be proprietors, there were but a handful of Dutch and Swedes at most. These, with the little Dutch hamlets which stood near New York on the western bank of the Hudson, at Weehawken, Hoboken, Pavonia, Ahasimus, Constable's Hook, and Bergen, and the new homes of the English families whom Colonel Nicolls had authorized to settle within

the grant at Elizabethtown and by the Hook, contained all the subjects the new proprietors could boast.

The government which the proprietors instructed Philip Carteret to establish was as liberal and as sensible as that which Colonel Nicolls had set up in New York. On the day on which they appointed their governor they



SIGNATURE OF PHILIP CARTERET

had signed a document which they called "The Concessions and Agreements of the Lords Proprietors of New Jersey,[1] to and with all and every of the adventurers and all such as shall settle and plant there," and which offered not only gifts of land upon most excellent good terms to settlers, but religious toleration also and a free form of government. "The Duke's Laws," which Colonel Nicolls had set up for the government of New York, were equally liberal in matters of religion, but not in matters of self-government. The New Jersey lords proprietors directed their governor to associate with himself in the administration of the province a council of his own choosing not only, but also an assembly of twelve representatives, to be chosen annually by the freemen of the province. This assembly was to make the laws of the colony, and no tax was to be laid without its consent. The governor and his council

[1] See page 239.

were to appoint only freeholders of the colony to office, —unless the assembly assented to the appointment of others. It did not seem necessary to call an assembly at once; the scattered hamlets could separately attend to their own simple affairs well enough until more settlers should come. The first years of the new governor's rule were quietly devoted to growth.

The governor established himself and the thirty odd settlers and servants who came with him at the new hamlet just begun at Elizabethtown; and the next year, 1666, the *Philip* brought other settlers to join them. The governor took pains to make known the liberal terms of settlement he was authorized to offer, in New England and elsewhere in the colonies already established, as well as at home in England. A steady drift of colonists, accordingly, began to set his way. In 1666 the Elizabethtown tract was divided to make room for other settlements at Woodbridge and Piscataway. The same year numerous families from Milford, Guilford, Branford, and New Haven came and began to make homes for themselves at Newark, on the Passaic, —dissatisfied with the condition of affairs on the Sound since they had been tied to the Hartford government, and determined to have a free home of their own where only church members of their own way of thinking and of worship should have the right to vote or to hold office. It was a very notable migration, made in organized companies, as the first settlements upon the Sound had been, and sapped the New Haven towns of their old stock. "The men, the methods, the laws, the officers, that made New Haven town what it was in 1640, disappeared from the Connecticut colony, but came to full life again immediately in New Jersey." Even Mr.

Davenport left the familiar seat he had himself chosen and returned in his old age to Boston. By April, 1668, New Jersey seemed to the governor ready for its first assembly, and he called upon the freemen to make their choice of representatives.

The Puritans of the new settlements controlled the assembly when it came together at Elizabethtown the next month (26 May, 1668) and passed a bill of pains and penalties against various sorts of offenders which was drawn in some of its parts directly from the Book of Leviticus, as an earnest of their intentions in matters of government; but they had been in session scarcely four days when they grew impatient to be at home again, and adjourned. When they met a second time, in November, the little hamlets on the Delaware, which had not sent delegates to the first session, were represented; but the people of the "Monmouth grant," by Sandy Hook, were not. They were angry because Governor Carteret had refused to acknowledge their right to make rules of local government for themselves, under the terms of their grant from Colonel Nicolls, given before the New Jersey grant was known of in New York; and they declared that the persons who had assumed to act for them at the first session of the assembly, in May, had had no real authority to do so. The representatives who did attend the November sitting soon went home again, dissatisfied that the governor's council did not associate itself with them closely enough in the conduct of the assembly's business, and impeded, as they thought, the execution of the provisions of the "Concessions," the great document which was their constitution from the proprietors. It was to be many years yet, as it turned out, before the conduct of the government of the colony

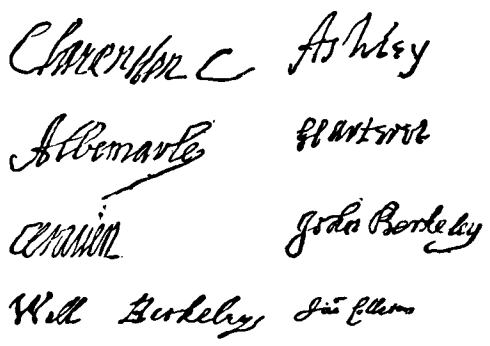


LOADING SHIPS IN ALBEMARLE SOUND

was to be satisfactorily provided for. The several scattered settlements had little sympathy with each other, and New Jersey was not yet a complete or organized colony.

It was a day of new proprietary grants to gentlemen in favor at court; but the making of grants was very different from the making of governments. At the very time when Governor Carteret was trying to form a government that would hold the scattered towns of New Jersey together in some sort of discipline and order, the representatives of another proprietary government of the same kind were trying the same experiment with much the same fortune in the south on the "Carolina" grant, which the King had made the year before he gave New Netherland to his brother. In 1663 he had granted the lands which lay south of Virginia between the thirty-first and the thirty-sixth degrees of north latitude to eight proprietors: the great Earl of Clarendon, General George Monk, now Duke of Albemarle, William Lord Craven, Anthony Lord Ashley (soon to be Earl of Shaftesbury), Sir John Colleton, John Lord Berkeley and Sir George Carteret, to whom the Duke of York was the next year to give New Jersey, and Sir William Berkeley, brother of Lord John and governor of Virginia. Here, as in New Jersey, settlers had long ago entered and begun a life of their own. The Virginians had spoken of the region hitherto as "South Virginia," and it was some of their own people who had begun its settlement. In 1653 Roger Greene had taken a hundred settlers to the coast of the broad Sound which was afterwards to be called Albemarle,—after the great General Monk's new ducal title,—and had established them on a grant at "Chowan," given to him by the Virginia House of

Burgesses as a reward for the "hazard and trouble of first discovery," and as an "encouragement of others for seating those southern parts of Virginia." Nine years later (1662) George Durant followed with other settlers, Quakers driven out of Maryland and Virginia, whom the Virginian authorities were glad to be rid of and have settled out of sight in the wilderness. They began to build to the eastward of Mr. Greene's people at "Chowan," upon the next peninsula of the same indented coast, in what was called the "Perquimans"



SIGNATURES OF CAROLINA PROPRIETORS

region. And then, the next year, 1663, the King handed their lands over to be governed by the eight lords proprietors of "Carolina."[1]

There were by that time quite three hundred families settled there; and there were none besides in all the vast tract that the King's charter called "Carolina." These first comers had chosen for their settlements a region neither fertile nor wholesome. Great pine barrens stood there upon the coast, interspersed with broad swamps dense with a tangle of cypress and juniper. Inside the coast districts, where the land rose to drier

[1] See page 210.

levels and the virgin soils lay rich and wholesome, were some of the finest regions of all the continent, fertile and sweet-aired and full of inviting seats; but there was no highway to these. Only the sea and the rivers were open. The land was everywhere covered with untouched forests, pathless and unexplored. For the present settlers were obliged to content themselves with the flat, unwholesome coast, in spite of its killing fevers, because it alone was accessible. This Albemarle country was Virginia's frontier, the refuge of the restless, the unfortunate, and the discontented, and of all who found her laws and her power to enforce them irksome and unbearable. Some very steady and substantial people there were also, no doubt, who chose to live there,—like the good Quakers whom Mr. Durant had brought thither because they could find a welcome nowhere else. There was a good profit to be made out of timber cut from those splendid forests, and out of the breeding of cattle, which was easy enough; and many industrious families liked the steady trade of the region, with its accompaniment of a free life in the ungoverned wilderness. But it was as yet the shiftless, the irresponsible, and the adventurous who were most attracted.

What with adventurers who were ungovernable and men of industry and ability who wished to be let alone, it was not an easy or a promising place in which to set up the authority of proprietors who were in England and had done nothing to help the men whom they meant to govern. Sir William Berkeley, nevertheless, being himself one of the proprietors, took the first step towards making good the rights of the new masters in 1664, when, by the authority of his associates, he commis-

sioned William Drummond to act as governor among the people at Chowan and Perquimans. The appointment of a governor made little difference at first. Not until three years later did the proprietors attempt the establishment of a regular government, and even then the arrangements which they made were very liberal. They



SEAL OF THE LORDS PROPRIETORS OF CAROLINA

that year, 1667, sent over Samuel Stephens from England to be governor in Drummond's place, and they sent with him a document of "Concessions," very like that which Lord Berkeley and Sir George Carteret, two of their number, had lately granted to the settlers in New Jersey. There was to be perfect freedom in religion; the elected representatives of the people were to make the laws of the settlements; no taxes were to be imposed without their consent; and they could assemble upon their own motion, without waiting for a summons from the governor. The governor was to have twelve councillors and the people were to have twelve representatives, as in New Jersey; but half of the governor's council were to be chosen by the assembly

itself, and governor, councillors, and representatives were to sit together as a single body,—so that the people's delegates were sure of a majority in all its deliberations.

The assembly used its power to exempt all new-comers from taxes for a year after their coming, and to provide that for five years to come no suits should be heard for debts or any other obligations contracted outside Carolina. Of course such laws brought insolvent Virginian debtors and all sorts of Virginian outlaws in larger numbers than ever to the settlements, and the Virginians called the place "Rogues' Harbor"; but others of a better sort came also, and it was population first of all that the Albemarle law-makers wanted. A more settled life and a less irregular and questionable way of encouraging immigrants came afterwards in due time, —as well as unexpected troubles with the proprietors. The first grant. of 1663, had not in fact included the Albemarle settlements, though those who framed it supposed that it did; but in 1665 a new charter was obtained which advanced the boundary line far enough northward to make sure of including them. And then the proprietors, having a taste for a more elaborate way of governing, adopted a highly complicated and detailed plan, drawn up by Mr. John Locke, who was then, at thirty-seven, secretary to Anthony Lord Ashley, one of the proprietors. The document contained eighty-one articles, was called the "Fundamental Constitutions" of Carolina, and was elaborate enough for a populous kingdom. It bore date 21 July, 1669.[1]

The proprietors were too much men of the world and of affairs to suppose that that simple community, only just now begun, was ready for an elaborate government, which, among other things, proposed to change

[1] See page 272.



MAP OF CAROLINA, 1687

very radically the free tenure of the land into a sort of feudal holding under hereditary nobles; but they meant to establish their system when they could, and were in too great haste, it turned out, to believe that parts of it could at once be made to apply. Even yet "Carolina" had no settlements except those at Albemarle. In

1660 a few families from Massachusetts, looking for some betterment of fortune, had established themselves near the mouth of the Cape Fear River, purchasing their lands from the Indians; but they had left the place disheartened in 1663, the very year the lords proprietors got their first grant from the crown. News of the grant stimulated some of the English who were in the Barbadoes to attempt the same thing that the Massachusetts men had attempted. In May, 1664, they began a settlement upon a new site, far up the spreading stream of the Cape Fear. But three years were enough for them also; in 1667 they, too, were gone, and the river country was again empty.

It proved no light matter to govern even the little settlements at Albemarle. The publication there of the formidable Fundamental Constitutions in 1673, when the proprietors seemed bent upon putting them at any rate partially into operation, disturbed the as yet unfettered settlers very deeply,—for they loved and meant to have a free life in the wilderness. Though they had been promised freedom of belief and worship, these Constitutions, as published among them, threatened to make every man pay for the maintenance of the Church of England as an established church. Moreover, the air was at that very time full of disquieting rumors. News came that the King had given all of Virginia to Lords Arlington and Culpeper,—not to rule, indeed, but to own; and it was said that the proprietors of Carolina meant to divide the province among themselves, and give the Albemarle country to Sir William Berkeley, whom they would have exceedingly disrelished as their master, being quit, as they had hoped, of Virginia's imperious governor. Worst of all, the governor

whom the proprietors had sent them sided with the King's officers in enforcing the Navigation Acts, whose enforcement would spoil their trade. They sold their timber and their cattle very freely to shrewd skippers out of New England, who brought them what they needed from the ports of the Puritan colonies, got their timber and cattle, disposed of them in the West Indies, and came back again thence with good cargoes of sugar, rum, and molasses, for which they took tobacco, to be sold at home for export into England,—all without license from the crown and in plain defiance of the Acts.

The colonists preferred their trade to the laws of Parliament, and their freedom to the laws of the lords proprietors. Moreover, the very charter under which the proprietors acted had given their lordships the right to make laws and constitutions only "by and with the advice, consent, and approbation of the freemen" of the colony, or their representatives; and these new regulations had never been so approved or ratified. The temper of resistance among the colonists proved more than the agents of the lords proprietors could manage; and for almost ten years after the publication of the "Constitutions" the settlers at Albemarle took leave to have their own way upon every critical occasion. In 1675 their governor, Carteret, Stephens's successor, went to England in a sort of despair, to explain that he was not allowed to govern. In 1677 the colonists seized the collector of the revenues, and several thousand pounds of the revenue with him, because he tried to break up their trade with New England and the West Indies. They were quieter without a governor than with one, and meant to obey authority only on their own terms.

The proprietors were to find that it was not much easier to govern settlements of their own planting than to govern the rough-and-ready hamlets at Albemarle, which had been set up without them. By August, 1669, the month after they signed the first draft of their Fundamental Constitutions, they had an expedition ready to go into the southern parts of Carolina and plant a colony which should be worth helping and worth governing; and by April of the next year it was actually planted. There had been many disasters to face by the way. The settlers had been kept a long time at the Barbadoes, to repair their ships and get supplies, and colonists to recruit their number; and they had come away from the islands with Colonel William Sayle, a man stricken in years, for governor, instead of Sir John Yeamans, who knew the coast and was in the full vigor of manhood. The aged soldier who took them to their place of settlement had founded a colony of Presbyterians in the Barbadoes twenty years ago, and still showed not a little of the steadfastness and strength of purpose that had marked him for a leader then; but he was too old for this new task, and died the next year in the doing of it. The place chosen for the settlement was a pleasing bluff within the fair Kiawah River,—which they presently called the Ashley, in honor of the distinguished nobleman for whom Mr. Locke had written the Fundamental Constitutions. Their settlement they called Charlestown; and there they lived for ten years without notable incident, except that Sir John Yeamans, who was their governor from 1671–1674, brought negro slaves with him when he came from the Barbadoes in 1672. Mr. Joseph West was governor most of the time during the first years of settlement, and ruled

very sensibly, assisted by a council of which the freemen of the colony elected a part. Things went quietly enough



EARL OF SHAFTESBURY

until the proprietors and the government at home bestirred themselves to enforce the Fundamental Constitutions and the laws of trade.

It was no mere perverseness of temper or mere love of license that set the colonists so stubbornly against the plans and the authority of their governors. It was rather their practical sense and their knowledge of their own necessities. They knew that, if they were to thrive at all, they must be let live as they could in the wilderness, as the actual and inevitable conditions of their own lives permitted, not cramped by elaborate constitutions or by the rigid restrictions imposed by the Parliament's laws of trade, but with a freedom suitable to their rough and simple ways of living. Virginia herself, for all she was so much older, so staid and loyal, was moved to revolt almost as easily as Albemarle and Charlestown when put upon more grossly than she could bear. She was herself in rebellion at the very time the men at Albemarle were openly defying their governor to put into force among them the laws which forbade their trade with the Indies.

Virginians had seen their burdens and their grievances against the government alike of their governor and of the King grow ominously heavier and heavier ever since the Restoration, which they had once deemed so happy an event, until at last the condition in which they found themselves seemed quite intolerable. Sir William Berkeley was no longer the manly, approachable gentleman he had been in the earlier time of his first governorship,—bluff and wilful, but neither bitter nor brutal. The long days of his enforced retirement, while the Commonwealth stood (1652–1660), had soured his temper and alienated him from the life of the colony; and he had come out of it to take up the government again, not a Virginian, like the chief Cavalier gentlemen about him, who now accounted Virginia their

home and neighborhood, but a harsh and arbitrary servant of the crown and of his own interests, ready to fall into a rage at the slightest contradiction, suave only when he meant to strike.

The change was not obvious at first; but it became evident enough ere long. The King recommended mere



ST. PETER'S CHURCH, KENT COUNTY, VIRGINIA

place hunters and adventurers to Sir William for appointment in Virginia, wishing to be rid of them, or to pay his personal obligations at Virginia's cost. Sir William put them in office in the colony, and along with them his own friends, kinsmen, and favorites, until councillors, sheriffs, magistrates, surveyors, customs clerks, the whole civil service of Virginia, seemed a body of covetous placemen who meant to thrive whether

justice were done and the laws kept or not. Nor was that the worst of it. It was next to impossible for the small planter, or for any man who did not thrive exceedingly, to pay the growing taxes and the innumerable petty exactions which were demanded of him to pay these men, satisfy the King's collectors, and maintain the expensive government of the colony. The Navigation Acts forbade the colonists to send their tobacco anywhere but to England, in English ships, and so the English skippers could demand what freight they pleased and the English merchants could buy the tobacco at such prices as suited them. The same Acts forbade any goods to be brought into the colonies except from England, and so the English merchants could exact what they chose for the supplies they sent and the skippers could get their return freight charges. There was no coin in Virginia, or next to none; tobacco itself, her principal crop, served as money, and when it was worth little and the goods it was used to pay for were worth a great deal, it was hard to live at all, and poverty seemed a thing enacted and enforced.

Time had been, before the meddlesome Acts of Navigation, when the Dutch ships which came in at the river paid five shillings on every anchor of brandy they brought in, and ten shillings on every hogshead of tobacco they took out; and the money had been appropriated to make good the defence of the frontier against the Indians. But no Dutch skippers came in since the Acts, and that charge also fell upon the poor planters. "It hath so impoverished them," declared Mr. Bland, of London (1677), looking for the sake of untrammelled trade into these matters, "that they scarce can recover wherewith to cover their nakedness." Taxes were not levied upon

A

BRIEF HISTORY

OF THE

VVARR

With the *INDIANS* in

NEVV-ENGLAND,

(From *June* 24, 1675. when the first English-man was murdered by the Indians, to *August* 12. 1676. when *Philip*, alias *Metacomet*, the principal Author and Beginner of the Warr, was slain.)

Wherein the Grounds, Beginning, and Progress of the Warr, is summarily expressed.

TOGETHER WITH A SERIOUS

EXHORTATION

to the Inhabitants of that Land,

By *INCREASE MATHER*, Teacher of a Church of Christ, in *Boston* in *New-England*.

Levit. 26. 25. *I will bring a Sword upon you, that shall avenge the quarrel of the Covenant.*

Psal. 107. 43. *Whoso is wise and will observe these things, even they shall understand the loving-kindness of the Lord.*

Jer. 22. 15. *Did not thy Father do Judgment and Justice, and it was well with him?*

Segnius irritant animos demissa per aures,
Quam quæ sunt oculis commissa fidelibus. *Horat.*
Lege Historiam ne vis Historia. *Cic.*

BOSTON, Printed and Sold by *John Foster* over against the Sign of the *Dove*. 1676.

TITLE-PAGE OF INCREASE MATHER'S "BRIEF HISTORY OF THE WARR WITH THE INDIANS"

THE

Widdow Ranter

OR,

The HISTORY of

Bacon in Virginia.

A

TRAGI-COMEDY

Acted by their Majesties Servants.

Written by Mrs. *A. Behn.*

LONDON, Printed for *James Knapton* at the Crown in St. *Paul's* Church-Yard. 1690.

TITLE-PAGE OF MRS. APHRA BEHN'S "WIDDOW RANTER"

the land, so that each man might pay in proportion to his property, but by the poll, each man alike, and every servant assessed with his master; so that the poor man bore the chief burden, and sweated under it intolerably. His tobacco, with the diminishing price the English merchants put upon it, was all he had to pay with, and seemed every leaf of it to go to the tax gatherer,—who got his office by favor, and himself took ten *per cent.* of what he collected. Members of the governor's council were exempt from the poll tax, with ten servants apiece, and yet were paid salaries out of the taxes. The government seemed a thing planned for the support and behoof of "the grandees" of the governor's court, the men of the Virginian democracy said, and their discontent grew with their numbers. Their numbers grew fast enough. There were six thousand white indentured servants in the colony. Every year quite fifteen hundred of these saw the hoped-for end of their term of service come, and were given fifty acres of land apiece to shift for themselves and join the ranks of taxpayers. When the price of tobacco fell, one evil year, to a halfpenny a pound, Mr. Ludwell declared to the governor that nothing but "faith in the mercy of God, loyalty to the King, and affection for the government" restrained them from rebellion. And their affection for the government cooled fast enough.

The restrictions put upon the carrying trade had but the other day been made complete in their kind. In 1672 an act for the still "better securing of the plantation trade" had forbidden even a coastwise trade among the colonies themselves, or with the English Bermudas, in sugar, tobacco, cotton, wool, indigo, or any other of the enumerated articles of the former Acts, except they

were first taken into England, or paid at the port of export the duties levied at the English wharves.

As if poverty, and heavy taxes to make it the more burdensome, were not enough, deep anxiety lest Virginia should lose even the forms of her liberty was added, and finally war with the Indians, to make the measure full to overflowing. It was useless to appeal to the House of Burgesses for a redress of grievances, because Sir William Berkeley would allow no election of a new House. For fifteen years he kept alive the House which had been chosen in 1661, at the time of the Restoration. It was made up of hearty partisans of the King's government, as was natural, having been chosen when it was, and was quite ready to follow Sir William's lead in most things. He would adjourn its sessions from time to time, but would not dissolve it; and so there were no elections at all. The Burgesses themselves were content enough to prolong its life, and keep the governor in good humor by their votes. Each member received two hundred and fifty pounds of tobacco for every day he spent in the assembly, to keep himself, his servant, and a horse; every committee of the assembly had its paid clerk and money out of the colonial treasury for its liquors; and there was oftentimes more profit to be got out of a long session than out of diligent tobacco planting at home.

In 1673 came the news that the King had given all Virginia to Lords Arlington and Culpeper, to be their proprietary province, like Carolina and New Jersey, and several gentlemen had to be sent over to England in haste to plead, intrigue, and protest, as if for the very life of the colony, against such a usurpation. Their lordships kept the royal quit-rents, spite of all opposi-

tion, and a new poll tax of sixty pounds of tobacco a head had to be levied to pay the expenses of the com-



LORD CULPEPER

missioners sent to plead the colony's case against them. And then, in 1675, when affairs seemed most darkened and confused by selfish and arbitrary action both at home

and over sea, there came hot trouble with the Indians, which the governor refused either to deal with himself or allow others to settle.

It was that that brought the explosion. A sort of desperate wrath took possession of the stronger and more daring spirits of the colony, and they presently found a leader who gave Sir William good cause to fear what might come of their anger. The governor ought to have remembered that other year of blood, 1644, when last the Indians were on the war-path, and how sad a blow it had dealt the colony. True, there had then been scarcely ten thousand people in Virginia, and there were now no doubt close upon fifty thousand, armed and able in all ordinary straits to take care of themselves. It was not likely the Indians could strike very far within the borders or threaten the heart of the colony. But men and women and children lived on the borders no less than at the heart of the colony. Precious lives could be wasted there as well as elsewhere, —plain people, no doubt, but Englishmen,—and the colonists were not likely to stand tamely by and look on at the massacre of their own people. No doubt the Indians had been unwisely, unjustly dealt with and provoked, goaded to hostile acts by attacks upon one tribe for what, it may be, another had done; such things had too often happened, and the colonists were not overcareful to avoid them. But that was no reason for refusing to put a force into the field to stop the massacres. What was the governor's scruple? He alone could grant licenses to trade with the Indians, and he did not grant them for nothing. It was something more than a surmise that he shared the profits of the trade, and let the traders sell what they would to the savages,



ON THE WAR-PATH

though it were firearms and powder and shot, against the laws of the colony, to make the profits worth while. Did he hesitate to interrupt his lucrative fur trade with the redmen; or was he reluctant to put any armed force into the field for fear of what it might do for the redress of grievances within the colony after the danger from the Indians had been made an end of? Whatever his motive, he would not act, and could not, he said, until the assembly came together for its regular meeting in March, 1676. Meanwhile scores of people had been murdered, plantation after plantation had been destroyed (sixty in a single county within a space of little more than two weeks), and the border was desolate and terror-stricken. And even when March came and the meeting of the Burgesses, Berkeley played them false. The assembly met, the "Long Assembly" elected fifteen years ago,—met for the last time, as it turned out,—and voted to send a force of five hundred men against the savages; but Berkeley disbanded the little army before it could take the field; and defence was again abandoned.

Here was more than could be endured; and there were men in Virginia who were ready to defy the governor and get their rights by arms. Nathaniel Bacon had sworn with a hot oath that if the redskins meddled with him he would harry them, commission or no commission; and he kept his threat. He was of the hot blood that dares a great independence. He was great-grandson of Sir Thomas Bacon, of Friston Hall, Suffolk, cousin to the great Lord Bacon, of whose fame the world had been full these fifty years; and though he was but nine-and-twenty, study at the Inns of Court and much travel in foreign lands had added to his gentle breeding the

popular manners and the easy self-confidence of a man of the world before he turned his back upon England and came with his young wife to be a planter on James River in Virginia. In May news came that the Indians had attacked his own upper plantation and had murdered his overseer and one of his favorite servants; and he did not hesitate what to do. A company of armed and mounted men begged him to go with them against the redskins, and he led them forth upon their bloody errand without law or license, member of the governor's council and magistrate though he was. He sent to ask the governor for a commission, indeed, but he did not turn back, or lose his armed following either, when word was brought that the governor had refused it, and had proclaimed him and all with him to be outlaws. It was flat rebellion; but Bacon's pulse only quickened at that, and Virginia for a little while seemed his to command.

He put a stirring tragedy upon the stage there in the quiet colony with its sombre forests, and played it out with a dash and daring that must take every generous man's imagination who remembers how fair and winning a figure the young leader made through all those uneasy days, and how irresistibly he caught the eye and the fancy with the proud way in which he carried himself, lithe and tall and dark of skin, and that melancholy light in his dusky eyes, a man of action and of passion,—such passion as it moves and wins other men to look upon. That was a summer to be remembered in which he pushed to the front in affairs,—and most of all its sad ending.

Berkeley found that he could not openly treat Bacon as a rebel without kindling a flame of discontent on

THE NEW

TESTAMENT

OF OUR

LORD AND SAVIOUR

JESUS CHRIST.

Translated into the

INDIAN LANGUAGE,

AND

Ordered to be Printed by the *Commissioners of the United Colonies* in *NEW-ENGLAND*,

At the Charge, and with the Consent of the

CORPORATION IN *ENGLAND*

For the Propagation of the Gospel amongst the Indians in *New-England*.

CAMBRIDG:

Printed by *Samuel Green* and *Marmaduke Johnson*.

MDCLXI.

TITLE-PAGE OF ELIOT'S ALGONQUIN VERSION OF THE NEW TESTAMENT

every hand among the colonists. He was obliged to dissolve the "Long Assembly," call a new one, admit Bacon himself to a seat in it, hear his bad administration debated, and consent at last to the levying of an effective force to fight the Indians. But what he could not do openly he tried to do secretly and by treachery. One night while the assembly still sat Nathaniel Bacon fled from Jamestown, warned that his life was in danger. He returned with six hundred men at his back and compelled the governor to give him a commission. Once more he was proclaimed an outlaw, and all his followers outlaws with him, the moment he had turned his back and plunged into the Indian country; and a war for protection turned to civil war.

Bacon's blows were quick and terrible, and more to be feared than his biting speech. He had wellnigh exterminated the Indian tribe of Susquehannocks before he heard of or heeded his outlawry. Then he turned in his hot anger against the government itself, as if it had declared war upon him. He required and took of his followers an oath to resist not only the governor, but the very troops of the King himself should they come, until wrongs should be righted; and Berkeley was driven, a fugitive, to the far counties beyond the Bay. When he returned with a motley force to Jamestown he was driven forth again, and Jamestown was burned. Only Bacon's death ended the ugly business. As autumn approached he sickened and died (the first day of October, 1676), overcome by the passion of action and of feeling, and the exhausting life of the camp and the field; and his followers dispersed.

He had gone too far. At first, rank and file, no doubt, had been with him, men of substance with the rest, for



NATHANIEL BACON AND HIS FOLLOWERS BURNING JAMESTOWN

the right to live and to better the government; but most of the chief planters had held aloof even then; and as he went on they were more and more alienated. It became more and more an affair of the rabble, of the men who were poor and desperate and had nothing to lose. When he burned Jamestown he also sacked the plantations of the greater land-owners thereabouts, knowing them to be his enemies; and he died with the spirit of the outlaw too much kindled within him by the lawless work he had done, almost determined to withstand the King as well as the governor, and to make those who had not joined him pay for his work of resistance and reform,—no longer merely a champion of reasonable reformation, but a revolutionist. Nothing less could have alienated his friends, broken his party, and given Berkeley his full time of revenge against those whose cause had been just.

That revenge was only too complete. A fleet arrived out of England in January, 1677, with a regiment of the King's troops aboard, and commissioners to settle the troubles in the colony to the re-establishing of order; and the commissioners had themselves to rebuke and restrain the insensate bitterness of the maddened governor. He had set the hangman to work before they came, and by the time January was out had sent more than twenty persons to the gallows for their participation in the rebellion; among the rest William Drummond, the capable Scotsman whom he had deputed to be the first governor of the settlements at Albemarle, and who had governed very quietly there, knowing the men he had to deal with, but who was now in Virginia again, Mr. Bacon's friend and counsellor. "As I live," cried the King, when he learned the news

31183

from Virginia, "the old fool has put to death more people in that naked country than I did for the murder of my father"; and he showed little patience when the old man came home to make his peace. The King would not see him, and the broken governor was dead,—of chagrin, men said,—by midsummer (1677). Virginia was rid of him; forgot how well she had liked him at first; and remembered without compunction how her people had celebrated his departure with bonfires and the booming of cannon.

It was in that year, 1677, when Virginia's rebellion was over and her chief rebels hanged, that the heady settlers at Albemarle rose against the proprietors and the Acts of trade, thrust their governor out, and seized three thousand pounds of the customs revenue. They were but four thousand people, all told, but they were all of one mind, and did what Mr. Bacon could not do. For two years they governed themselves, upon such a model as might have pleased Virginia's rebel. William Drummond, who had lived among them, had led Mr. Bacon to hope, and half expect, that these Albemarle men would send him aid and make common cause with him against the power of a royal governor and rich land-owners; but they had saved their strength for themselves. They took little thought for Virginia; and they could not have helped Mr. Bacon to succeed had they wished to help him. He had rebelled against powers which were already firmly established and which were to dominate Virginia throughout all the rest of her youth and of her growth to maturity.

That notable immigration of royalist gentlemen that had been pouring into the colony these five-and-twenty years, and which had brought Mr. Bacon himself to

STRANGE NEWS FROM VIRGINIA:

Being a full and true

ACCOUNT OF THE LIFE and DEATH OF

Nathanael Bacon Esquire,

Who was the only Cause and Original of all the late Troubles in that COUNTRY.

With a full Relation of all the Accidents which have happened in the late War there between the Christians and Indians.

LONDON,
Printed for *William Harris*, next door to the Turn-Stile without *Moor-gate*. 1677.

TITLE-PAGE OF "STRANGE NEWS FROM VIRGINIA"

Virginia, had inevitably transformed the character of the little commonwealth. Large estates multiplied faster than small ones. Estates descended from father to son by the rule of primogeniture and were kept together by the strict law of entail. The ruling part in affairs fell more and more, and as if by a sort of social law of nature, to men who believed in aristocratic privilege in matters of government and dreaded a democratic levelling. Being for the most part men of breeding and of honor, they were ready to condemn quite as heartily as Mr. Bacon himself the corrupt and headstrong ways into which Sir William Berkeley had fallen; but they deemed revolution rather a new disease than a good remedy, and left Mr. Bacon to find his recruits among those who had less at stake.

Virginia's government was singularly like the government to which these ruling gentlemen had been accustomed at home in England; and her most influential men were as certain to make up her governing class as were the country gentlemen of England to procure magistracies in their counties. The Long Assembly had made changes in the law which rendered their supremacy more certain than ever before. The rule in respect of every office was appointment, not election. Only the Burgesses were elected out of all who took part in the government of the colony, and it was fixed custom from of old to select them from the members of the county bench, whom the governor appointed. Even they were to be chosen henceforth, the Long Assembly had decreed, by the freeholders only, and not by the common vote of all free residents, as before the Restoration. Local government was altogether in the hands of the ruling class. The vestry was the governing and direct-



GOVERNOR BERKELEY CONDEMNING WILLIAM DRUMMOND TO DEATH

ing body in every parish, and its twelve members were to be chosen now in each parish, since the Long Assembly's law of 1662, not by free election, as in the old days, but by the vote of the vestry itself, which was henceforth to fill its own vacancies. The county courts were made up of magistrates appointed by the governor; the sheriffs were nominated by the county courts, who always named some one of their own number; for a long time it had been the custom to elect one or more of the county magistrates to represent the county in the House of Burgesses; the county militia was organized under lieutenants,—one for each county,—who were commonly chosen from among the members of the governor's council. There was no place for any but men of means and influence in such a government.

It was not an exclusive aristocracy. The life of the colony was too simple, too essentially democratic for that. Magistrates and vestrymen, sheriffs and county lieutenants, all felt themselves neighbors and fellows of the men they governed and took taxes of in those quiet river neighborhoods. They were really representatives of the people they ruled, in temper and interest, if not in estate. They knew how their neighbors lived,—as Mr. Jefferson explained long afterwards, in behalf of the like magistrates of his own day,—because they did not live very differently themselves. Their motive to do their duty justly and well was the sufficient motive of pride and self-respect, their desire for the esteem of the people about them in the intimate life of the rural country-side. Their rule was mild and public-spirited for the most part, more and more so as the life of the colony settled to a fixed and stable order, and the men who found their way into the vestry and the county

magistracy were generally men whom all esteemed and looked up to. But their rule was the rule of men of property, in favor of maintaining authority, sure to discountenance irregular attempts at radical reform; and Mr. Bacon's rebellion was the last of its kind. It had come too late, and was never repeated.

It was not this government of the "country gentlemen," at any rate, that had brought on the fatal troubles with the redskins which had stirred Mr. Bacon to his first act of rebellion; for New England also, self-governed and free as yet, had had her own struggle with the Indians, even more terrible and bitter, which had ended that same eventful summer of 1676. The New England Indians had not forgotten the fate of the Pequots; but that was now close upon forty years ago; the terror of it was no longer fresh, and their own situation had meantime grown a bit desperate. They were being shut within intolerably narrow bounds, and they could not move away from the regions where the English were slowly crowding them from their hunting-grounds without invading the territory of other tribes who would have no welcome for them. The white men paid for the lands they took, but they did not permit the redmen to refuse to sell. They played the part of masters always, and there could be no hope of better times to come. Devoted missionaries had come among the tribes from the white settlements and had won many of them to believe in the gospel of the true God; but their preaching was like the telling of idle fables to most of the reticent, intractable people of the forest, and left them untouched. They were ready at last when a leader should arise to plot for an uprising and a last trial of strength with the invading palefaces. Such a



A VIRGINIA VESTRY MEETING AFTER THE RESTORATION

leader arose in the person of Philip, the chief of the Wampanoags, whom the English had penned up within the narrow peninsula of Good Hope by the Bay of Narragansett. The flame which Philip kindled among



KING PHILIP'S MARK

the Wampanoags promptly spread to the Narragansetts and the Nipmucks, until it burned on every border, and New England saw a day of terror such as she had never seen before. There was no trouble like Virginia's. No governor hesitated, no armed force lacked authority to do its work of protection and attack, no levy lagged or was tardy; the country rallied to the awful business. The fatal uprising began in June, 1675, and was ended,—for those tribes at least,—by August, 1676, as the Pequot war had ended, with the annihilation of the offending tribes.[1] Those that were not killed or taken were driven forth in hopeless flight; those that were taken were sold as slaves in the West Indies. Thereafter there were only the tribes in the north to reckon with. But the white men's loss was almost as great as that of the savages. More than one-half of the towns of Massachusetts and Plymouth had seen the torch and the tomahawk that awful year; twelve of them had been utterly destroyed; no fewer than six hundred buildings, chiefly dwellings, had been burned; six hundred men had lost their lives, and scores of women and children; debts had been piled up

[1] See page 289.

and damage suffered which it would take years of bitter toil to pay and repair; and New England was for a little like a place desolate and stricken. But she ral-



OLD HOUSE IN DOCK SQUARE, BOSTON

lied in time, as always before, and slowly worked her way to better days, like the old days for peace and prosperity. Her dangers and anxieties were, at any rate, lessened in one matter that had often seemed to hold fear and danger permanently at its heart.

The chief general *authorities* for the history of New Jersey in the seventeenth century are Mr. William A. Whitehead's *East Jersey under the Proprietary Government, Contributions to East Jersey History,* and *The English in East and West Jersey, 1664–1689,* in Winsor's *Narrative and Critical History of America,* volume III.; Mr. Berthold Fernow's *Middle Colonies* in the fifth volume of Winsor; the first and second volumes of Bancroft and the second volume of Hildreth; the second volume of Bryant and Gay's *Popular History of the United States;* Andrew D. Mellick's *Story of an Old Farm;* Austin Scott's *New Jersey,* in the *American Commonwealth Series;* and Francis B. Lee's *New Jersey as a Colony and as a State,* 4 volumes.

The chief *sources* are to be found in the archives of the State of New Jersey; Leaming and Spicer's *Grants, Concessions, and Original Constitutions of the Province of New Jersey, 1664–1682;* the *Collections* of the New Jersey Historical Society; and Samuel Smith's *History of the Colony of Nova Caesaria, or New Jersey, to 1721.*

The principal general *authorities* for the history of the Carolinas in the seventeenth century are Mr. J. A. Doyle's *English Colonies in America,* volume I.; William J. Rivers's *Sketch of the History of South Carolina* and *The Carolinas,* in the fifth volume of Winsor's *Narrative and Critical History of America;* the first and second volumes of Bancroft and the second volume of Hildreth; the second volume of Bryant and Gay's *Popular History of the United States;* the second volume of John Fiske's *Old Virginia and Her Neighbours;* Dr. Francis L. Hawks's *History of North Carolina;* David Ramsay's *History of South Carolina, from its First Settlement in 1670 to the year 1808;* François X. Martin's *History of North Carolina, from the Earliest Period;* and the valuable monographs, chiefly on the history of North Carolina, to be found in the *Johns Hopkins University Studies in Historical and Political Science.*

The chief *sources* for this period of the Carolinas are to be found in the *Colonial Records of North Carolina;* Sainsbury's *Calendar of* [English] *State Papers, Colonial, V.;* B. R. Carroll's *Historical Collections of South Carolina,* which contain, among much more material of the first importance, Alexander Hewatt's *Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia,* originally published in London in 1779, John Archdale's account of the development of the colony to his own day, the portion of George Chalmers's *Political Annals of the Present United Colonies* which relates to Carolina, and Locke's *Funda-*

mental Constitution for Carolina; the *Charleston Year Books,* into which many valuable records, otherwise scattered, are brought together; Peter Force's *Tracts and Other Papers Relating to the Colonies in North America;* and Ben Perley Poore's *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States.*

IX. Pennsylvania

THE troubles of Massachusetts did not end with the death of King Philip and the extermination of the hostile tribes. That very year of blood and terror, 1676, on the contrary, saw an old danger renewed. Mr. Edward Randolph arrived out of England commissioned to command the authorities of the colony to send agents over sea to answer for their assumption of power over the settlements to the north, beyond the bounds set by their charter, and in despite of the rights of those who were the legal proprietors there. It was the beginning of a very serious matter. She was to be brought to book at last for her too great independence, and her acts as if of sovereignty over the settlements about her. Poor as she was, after her awful struggle with the redskins, she hastened to buy out the rights of those who claimed proprietorship in Maine and New Hampshire (1677) for twelve hundred and fifty pounds sterling; but that only angered the wilful King the more and hastened graver difficulties. She was charged with illegally coining money, with persistently violating the Navigation Acts and trading as she pleased, with exercising whatever powers of government she desired without stopping first to find them granted to her in her charter; and there was little defence she could make in face of the plain facts. Again and again she sent capable agents to England to excuse her acts and justify

them; but they made little impression upon the Privy Council or on the King's officers, and she was obliged in mere prudence to receive Mr. Randolph as the collector of customs, and speak submissively of the King's power.

At last there was an action of *quo warranto* against her (1683), and then a writ issued against her in the



NEW YORK CITY HALL AND DOCKS IN 1679

Court of Chancery, and in the end, October 23, 1684, an adverse judgment which declared her charter forfeited and her government returned to the crown. It was a bitter thing, but there was this time no escape from enduring it.

The same year, 1684, Virginia returned to her normal government again, as a royal province, and not the property of Lord Culpeper. The improvident King had not stopped with granting to Lords Arlington and

Culpeper, in 1672, "all the dominion of land and water called Virginia," and the quit-rents due from all the lands already occupied there; he had gone further, and in 1675 had appointed Lord Culpeper governor of the colony for life. Lord Culpeper had bought out the rights of Lord Arlington, his co-proprietor, and seemed commissioned at length to be Virginia's veritable sovereign master. But his career both as owner and as governor stopped very far short of the term of his life. By 1684 the King, tired of him, had withdrawn his commission and bought off his rights, leaving him a proprietary title over only the "Northern Neck" of Virginia, — the great peninsula which ran back to the mountains between the Potomac and the Rappahannock rivers; and the colony was again directly subject to the crown.

Lord Culpeper was little in his province even while his term as governor lasted. Sir Henry Chicheley was generally to be found acting in his stead,—a real Virginian, whom all esteemed a man of honor and of parts, a resident in the colony these twenty-five years, and for long either burgess or councillor, a neighbor and friend of the men he ruled as deputy to his lordship. Culpeper wished to be popular, and courted the goodwill of the colonists as he could; but a man without morals could not govern, and a man who would not stick at governing could not please the King, and his downfall was inevitable.

It was in the bad times of his rule that a new disorder fell upon the colony. In 1679 and 1680 the crops of tobacco were immense; there was more, much more, than could be sold, and its value fell so much that it was worth little or nothing to make purchases with,—

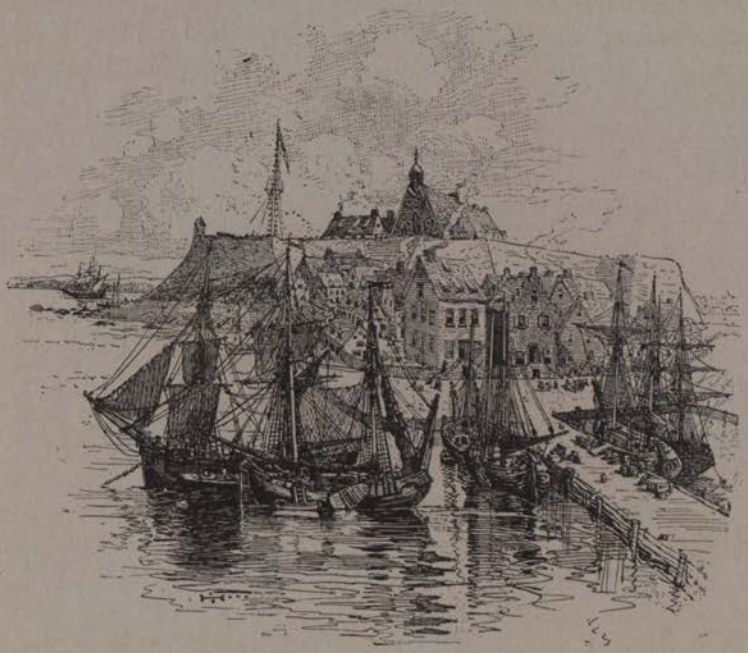
and yet it was the colony's chief currency. The assembly wished to stop or limit the planting of tobacco for a little, by statute; but the King, through the governor, forbade the restriction; and there suddenly broke forth a new sort of rebellion. In 1682 mobs of excited people swarmed upon plantation after plantation, destroying the growing crops of tobacco, until what would have filled ten thousand hogsheads had been cut up as it



NEW YORK ABOUT 1673

grew, and two hundred plantations had been laid waste within a single county. The armed forces of the colony stopped the riotous, lawless work at last; three of the ringleaders were tried and hanged, and order was restored; but it was made evident once again to what a temper things could be brought in Virginia when her people were not allowed to regulate their own affairs by orderly course of law; and the King's disgust with the rule of Lord Culpeper was not a little heightened.

Government by proprietors did not seem to go anywhere very well. Even Lord Baltimore found Maryland an uneasy property, and kept it only by consummate tact and watchful management. There were elements of every sort combined in its make-up. Not one-tenth



THE STRAND, NEW YORK, 1679

part of its people were of the proprietor's creed any longer; and not many besides Catholics were heartily and by choice of his party in affairs. At every change of political weather there was sure to be some sudden tempest or some covert insubordination there. In 1660 the assembly of the province, headed by Mr. Josias Fendall, the proprietor's own deputy, assumed sovereign

power till it should hear that the restoration of King Charles was accomplished fact,—as the assembly in Virginia did,—thinking the new King would be in no mind to support a proprietor whom Cromwell also had befriended. Only when it found the King Lord Baltimore's friend notwithstanding did it return to its allegiance. In 1675 Cecilius Lord Baltimore died, his only son, Charles, succeeding; and the next year one Davis and one Pate, taking their cue from Mr. Bacon in Virginia, made bold themselves to head an actual rebellion in arms. Their assembly, like Virginia's, was chosen by freeholders only, contained a majority whom the proprietor could command and would not part with, and had ever since 1671, like Berkeley's favorite Long Assembly, been kept alive by adjournment,—elections, apparently, having fallen out of favor on both sides the border. The Indians were upon their frontier also, and the taxes went, it seemed to the insurgents, for nothing but to pay for offices provided for the enjoyment of the proprietor's own kinsmen and adherents. But success in Maryland depended upon success in Virginia. When Mr. Bacon died, the Maryland insurgents yielded as promptly as the Virginian; Davis and Pate went to the gallows; and there was an end of that. But there was no ease in affairs even then. Maryland was not so readily to be kept in hand as Virginia. Not her restless Puritans merely, but all her yeomen also, of the rank and file, with their peculiar freedom in local government, made her quick with the spirit as if of a fretful and aggressive democracy. She had a class of free tenants upon many of her estates who kept alive throughout her country-sides a form of liberty very ancient and very vital, and who made her life, so far

as they were concerned, very different indeed from that of the country-sides of Virginia, where all alike looked to the magistrates, the sheriffs, and the county lieutenants for government. Many a chief estate in Maryland had its separate organization and its separate privilege of self-government as a manor, under the terms of the charter. In its court-leet, sitting under the presidency



A NEW YORK HOUSE IN 1679

of the steward, its freemen enacted their own local bye-laws, chose their own constables and bailiffs, empanelled their own juries, and put all petty offenders to their trial and punishment. In its court-baron the freehold tenants sat as judges of law and fact in matters of rent, trespass, escheat, and the transfer of lands, not only in suits among themselves, but in the settlement of their rights as against their immediate lord the chief of the

manor as well. Here was a school of sturdy self-assertion transplanted out of the feudal law of old England into an air never breathed in the Middle Ages, and men of the lesser sort were heartened in their democracy accordingly. The barons of Baltimore had the self-confident tenants of many a miniature barony to deal with in their province; and had occasion to discover very often how vital a commonwealth it was that surged restless under their government.

Newer proprietors had not the advantage of their experience, and were always slow to see how uncommon a sort of property a colony was,—and that the high-spirited men who undertook to settle in colonies, like Englishmen everywhere, must be governed, if governed at all, under a free system which took note of their real circumstances and had their assent. Carolina furnished an example. There were, in fact, two Carolinas. Since the abandonment of the settlements which had for a little while struggled for a permanent foothold on the Cape Fear (1664–1667), there was nothing but unbroken wilderness through all the long reaches of silent forest which lay between the Albemarle country and the settlement at Charleston, — full two hundred and sixty miles as the crow flies. There could not well be one government for both these separated places, except in name; and it was difficult to tell which was the harder to govern. For almost a whole generation (1669–1698) the proprietors tried to force their Fundamental Constitutions upon them, but made no progress whatever in the matter. The list of proprietors was constantly changing. Some wearied of the business and sold their shares in it, some became bankrupt, some died. And governors changed more rapidly even than pro-

A Brief DESCRIPTION
OF
The Province
OF
CAROLINA
On the COASTS *of* FLOREDA.
AND
More perticularly of a *New-Plantation* begun by the *ENGLISH* at *Cape-Feare*, on that River now by them called *Charles-River*, the 29th of *May*. 1664.

Wherein is set forth
The *Healthfulness* of the *Air*; the *Fertility* of the *Earth*, and *Waters*; and the great *Pleasure* and *Profit* will accrue to those that shall go thither to enjoy the same.

Also,
Directions and advice to such as shall go thither whether on their own accompts, or to serve under another.

Together with
A most accurate MAP of the whole PROVINCE.

London; Printed for *Robert Horne* in the little Court of *Gresham-Colledge* neer *Bishopsgate Street*. 1666.

TITLE-PAGE OF "A BRIEF DESCRIPTION OF THE PROVINCE OF CAROLINA"

prietors,—no governor finding his seat very easy or being able to please both his masters in England and the colonists in Carolina. New proprietors brought no new wisdom, new governors no new capacity, to the unchanging task, and the settlements took their growth after a way of their own.

The Albemarle settlers, whose region presently came to be called "North" Carolina,[1] were, on the whole, the more indulged. They endured many things, it is true, of many governors,—even to open robbery at the hands of one Seth Sothel, who bought the Earl of Clarendon's interest in the colony and came among them to rule as proprietor and get what he could out of his purchase on the spot. But they drove him from the colony in 1689, after having put up with his intolerable insolence and greed for five years together with more than their ordinary patience. They made their temper pretty clearly understood at last, and were suffered to go their own way in most things, with only enough interference and enough demands for quit-rents to keep them uncomfortably in mind of the proprietors. The settlements about the broad Sound slowly filled, and were not a little steadied in their ways of life by a constant increase in the number of Quakers among them. French Protestants came also, and made settlements of their own a little farther to the southward, in Pamlico and on the Neuse and Trent. Swiss and Germans founded a little hamlet at New Berne. The rich heart of the fertile country within was still untouched. There were barely five thousand people there in the year 1700, after forty years of growth. The proprietors had little to show thereabout for their ambitious efforts at colony building. But the colonists themselves took heart to believe their

[1] See page 262.

lot established, and no one could doubt that here were at least communities about whose maintenance there need be no concern. They were there to stay, and to grow, though it were never so slowly.

There was more to be seen at the other far-away settlements in "South" Carolina,—a town, at any rate, and a safe port of entry, such as there was not anywhere upon the northern sounds. Charleston had been removed in



ORIGINAL BROAD SEAL OF SOUTH CAROLINA

1680 from its first site to a fine point of land which lay opposite, where the Ashley and Cooper rivers joined to make a spacious harbor before passing to the sea. The removal had proved a mere stage in its growth,—a proof of its vitality. Englishmen, Irishmen, Scotsmen. Frenchmen, Germans sought the new colony out and made their several contributions to its founding. But the proprietors reaped little benefit. The English and Scottish colonists were not easy men to deal with when governors put the interests of the proprietors before the interests of the colony, or insisted, as they were bidden to insist, upon the enforcement of the impossible Fun-

damental Constitutions. Moreover, there were troubles peculiar to the place. The Spanish were close at hand at St. Augustine, watching their chance to attack and destroy the settlement. The colonists invited danger of still another kind by seizing Indians for slaves, and so exasperating the redskins. The English-speaking colonists did not wish to admit the Frenchmen who came among them to the full privileges upon which they insisted for themselves; but they were very keen for their own rights, and understood very well to what they were entitled under the charter to the proprietors. Governors lived no more comfortably among them than among the people of North Carolina. There were twenty-five hundred settlers in the colony by the time the new Charleston at the confluence of the rivers was six years old (1686), and seven thousand by the time the century was out (1700); but the more numerous they grew, the more steadfastly did they insist upon having no government they did not like.

Proprietary government was proving quite as difficult, meanwhile, in New Jersey; but the monotony of failure had been broken there by the sudden re-entry of the Dutch upon the scene. England and France had joined in war against Holland in 1672, and a hostile Dutch fleet presently found its way to the coasts of America. It first preyed upon the commerce of Virginia and Maryland in the south, and then, standing to the northward, entered the familiar harbor at New York, and took possession as easily as Colonel Nicolls had taken possession nine years before. From August, 1673, to November, 1674, the Dutch were masters in their old seats; there was no New York, no New Jersey; all alike was New Netherland once more. But it was a mere

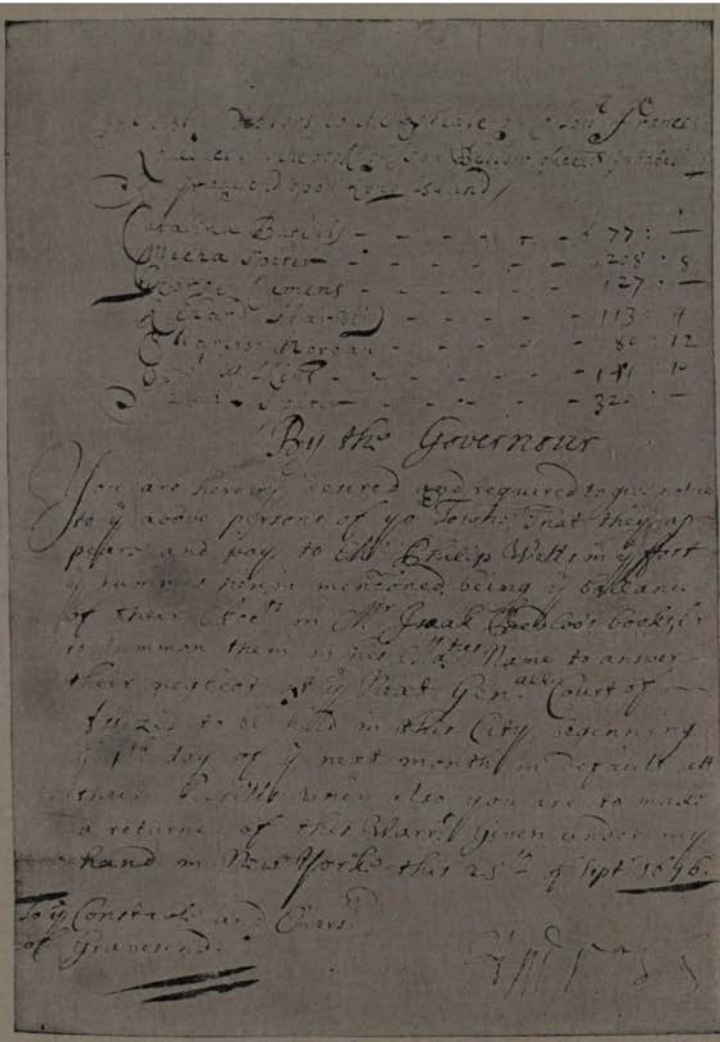
episode, a mere passing reminder of the old days when the Dutch were really masters there. In 1674 the war ended, and England regained her provinces by the treaty of peace (Treaty of Westminster, February 9, 1674).



SIR EDMUND ANDROS

The withdrawal of the Dutch, however, did not put the affairs of the English back at the point at which they had been broken off by the conquest. There were new difficulties to face. Philip Carteret again became

governor in New Jersey, for Sir George Carteret, the proprietor; and for a little his task seemed easier than it had been before the Dutch came. The chief English towns of the province had stubbornly resisted his authority until the very eve of the coming of the Dutch men-of-war, though he had been steadfast and had not ceased to rule in such matters as he could, or to press the interests and the powers of the proprietor. At last documents had come out of England which conclusively put an end to the claim of the uneasy colonists that they had a right to act independently of the proprietor; but they had hardly reached Carteret before the Dutch fleet came in. When the Dutch were gone again the once discontented towns received their English governor back with a sort of satisfaction, having been gladdened to see the alien masters go. But there were new difficulties, because Edmund Andros, that stirring major of dragoons, was governor of New York. King Charles made a new grant of New York to his brother the Duke of York in 1674, to cure any doubt the Dutch occupation might be thought to have put upon his title; and the Duke promptly granted East New Jersey over again to Sir George Carteret; but the new grant was not couched in the terms of the old, left a doubt upon the mind of a careful reader whether it meant to renew Sir George's sovereignty or only Sir George's ownership as overlord,—and his Grace had explicitly commissioned Andros to be his deputy in the government of New York "and its dependencies." Andros understood Carteret's new charter literally, as it read, and acted as if he had been bidden annul the right of Sir George's governor to govern. He saw to it that the New Jersey towns should get as little comfort



DOCUMENT BEARING AUTOGRAPH OF SIR EDMUND ANDROS

out of the resumption of their separate government as possible. He was a bluff soldier, bred in the school of Prince Rupert, as honest as he was direct and determined,—not a man to originate a policy of his own, but sure to do what he understood he was commanded to do very absolutely, without tact or scruple or hesitation, with the rough energy of a man who was no politician, but only a soldier. Moreover, he had in him the warm blood of thirty-four. At first he contented himself with collecting customs duties at the New Jersey ports as well as at New York for the Duke's revenues; but when Sir George Carteret died, in January, 1680, he went further. He challenged Philip Carteret's authority outright, accused him of acting without legal warrant within the Duke of York's patent, "to the great disturbance of his Majesty's subjects," and, when he would not yield, seized him, deposed him from his government by force, and himself assumed the authority of governor in the New Jersey towns. The next year, 1681, saw Carteret upheld and reinstated and Andros rebuked by official letters out of England, and the discredited soldier went home to give his account of the affair. East Jersey was to have quiet again for a little under new proprietors.

The King's new grants made of New Jersey, not a single province, as before, but two distinct provinces, East Jersey and West Jersey.[1] Lord Berkeley, Sir George Carteret's associate in the original grant, had sold his interest in the province early in 1673, before the Dutch came, and when the Dutch were gone again Sir George Carteret's grant was renewed, not for the whole of New Jersey, but only for "East" Jersey. "West" Jersey passed into the hands of those who had bought out Lord

[1] See page 299.

Berkeley's interest in the original gift. It included all the southwestern portion of the province, below a line drawn from Little Egg Harbor at the sea sharply north and northwest to the northernmost branch of the Delaware in latitude 40° 41'. Its lands lay upon the great river from end to end, almost, of the original grant. All the spreading waters of the stream below and of the great Bay through which it opened to the sea were its highway and frontier.

East Jersey passed, after Sir George Carteret's death, to a numerous company of proprietors, by purchase (1681),—men of all "religions, professions, and characters." Some were high prerogative men, likely to be of any king's party; some were dissenters, some papists, some Quakers. The governors whom they sent out were not likely to push any one interest or opinion or scheme of authority, and their province fell upon quieter days, when governors and colonists could generally agree and live in peace together.

West Jersey seemed sometimes, to outsiders, a place with no government at all. It, too, had numerous proprietors, whose shares were constantly changing hands, to the confusion both of questions of ownership and questions of government. But there was, in fact, a quiet growth of prosperous settlements, nevertheless. The several hamlets planted within the little province were established by people abundantly able to take care of themselves, and local government went peacefully on, whether there was any definite guiding authority fixed for the colony as a whole or not. Moreover, there was in due time, when affairs had settled and taken on a normal face, a very well ordered government for the province, under a popular assembly to

which the proprietors accorded powers very freely, and which they let their governors heed and obey in a way that other colonies might very well have envied.

Both provinces prospered. Many settlers preferred the Jerseys to New York. There was less taxation there, and less interference with merchants' dealings. The currency was kept freer from sudden changes of value than elsewhere, because the law did not play with its value. In West Jersey the laws for the punishment and suppression of crime were singularly humane and just. A wilderness lay between the towns near New York and on the Monmouth grant and the towns upon the Delaware; only an Indian trail here and there, like that which ran from the Puritan settlement at Newark south and southwest to the river, threaded the untouched forests; and it was not easy to pass from the one region to the other except by sea. But settlers poured in very steadily to the parts that were open, from New England and Long Island especially, as well as from over sea. Saw mills and iron mills were set up; tar, pitch, and turpentine were shipped in paying quantities from the pine forests; whales, caught upon the very coasts, yielded rich supplies of oil and whalebone; and the Jerseys made ready to be as forward as any other colony in growth and self-support.

The democratic government of West Jersey, the humane clemency of its laws, the full freedom of religious belief allowed to all comers, and all the features of liberality and tolerance which drew settlers to the Delaware were due in no small degree to the presence of influential Quakers among its proprietors. Among the rest was William Penn, a man at whose hands schemes of proprietorship in America were to receive a



WILLIAM PENN

new dignity, and a touch almost of romance. He was but thirty-one when he bought a share in the province of West Jersey (1675). He had been born in 1644, the year before Mr. Ingle turned reformer and roving governor in Maryland,—two years after Sir William Berkeley came out to be governor in Virginia. That was

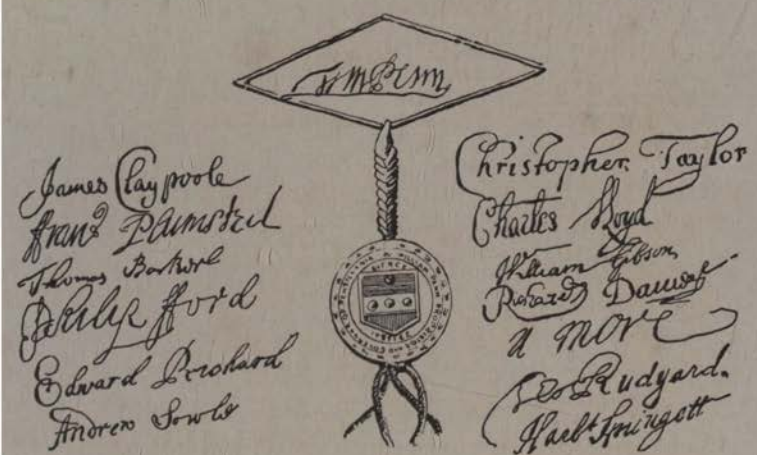


WILLIAM PENN'S FIRST RESIDENCE IN AMERICA (LETITIA COTTAGE)

also the year in which Mr. George Fox, the founder of the sect of Quakers, first began, a lad of twenty, to preach a new way of life. He preached no new creed, but only simplicity and purity of life, the direct gift of a guiding light from Heaven, without intermediation of priest or church or learned dogma, the independence of every man's conscience, and his freedom from the authority of man or government in such things as concerned the

life of the spirit. He spoke such words as made men's hearts burn within them, and quickly kindled a fire which no man could put out or check. William Penn had become his follower at twenty-four, taken captive almost upon a first hearing by the new and generous way of thought which so gently bade men better their lives.

Penn was singularly unlike the plain, unlettered people who had been the first to hear Mr. Fox with glad-



SEAL AND SIGNATURES OF THE PENNSYLVANIA FRAME OF GOVERNMENT

ness and live as he counselled. He was son to Sir William Penn, whom all the world knew as admiral in the royal navy, a great career behind him, a favorite with the King for the service he had done him when he was restored,—half man of the world, half bluff sailor; a man of fortune, and of a direct and ready fashion of making his own way; no lover of new-fangled notions or young men's whims; and his son had so handsome a person, so gallant a manner, so manifest a charm in what he said and did, that Sir William's head was filled

with dreams of what he should become,—dreams of preferment and a notable career in affairs. It astounded and angered him mightily that the boy should turn Quaker and give up everything for a set of foolish notions. But it half pleased the old man, after all, when his first choler was passed, to see how steadfast his son was. It half amused him to recognize his own wilfulness turned to such a use. Presently he forgave the strange lad, like the frank sailor he was, and helped him to succeed in another way.



THE PENN ARMS

And so it turned out that West Jersey was bought,—so far as Mr. Penn and those who thought with him among the new proprietors were concerned,—to be a refuge and place of peace for the Quakers. It was the Quakers who principally crowded into the new province and gave it its prosperity and its sober way in affairs. But Mr. Penn's plans widened as his thought became engaged in this great matter. A mere share in the ownership of West Jersey did not satisfy him. He determined to have a province of his own, a Quaker colony upon a great scale. The outcome of that purpose was the founding of Pennsylvania, whose peaceful story of orderly government and quick prosperity reads like the incidents, almost, of an idyl amidst the confused annals of colonial affairs in that day of change. Sir William Penn had died in 1670, and had left to his son, among other items of an ample fortune, a claim for sixteen thousand pounds against the crown. The young Quaker asked for a grant of land in America in satisfaction of the claim, and the King readily enough

consented, glad to please an old friend's son and be quit of an obligation so easily. Penn asked for and obtained the land "lying north of Maryland, on the east bounded with Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable" into the unclaimed Indian country; and the King pleased his own fancy by calling the grant "Pennsylvania," in honor of the old admiral whose claim against the crown he was thus paying off.[1] The grant was dated March 4, 1681.



SEAL OF MASSACHUSETTS PROVINCE

There was a charming frankness and nobility about the spirit in which the young proprietor set out upon his great enterprise.[2] He admitted "that government was a business he had never undertaken," but he promptly assured those who were already settled in his province that they should be "at the mercy of no governor who comes to make his fortune great. You shall be governed by laws of your own making," he said, "and live a free and, if you will, a sober and industrious people." "For the matter of liberty and privilege," he declared, "I propose that which is extraordinary, and to leave myself and successors no power of doing mischief,—that the will of one may not hinder the good of a whole country." His wish was to honor God and the principles of the despised sect in whose service he had embarked his faith and his fortune. "The nations want a precedent," he said; and it was his hope to give it them as boldly

[1] See page 304. [2] See page 312.

and wisely as possible. It was his belief, as it was the belief of the great Edmund Burke a hundred years afterwards, "that any government is free to the people under it (whatever be the frame) where the laws rule and the people are a party to those laws." He meant that his colonists should have such freedom as his gift, and at the very beginning of their government.

There were, when he set up his gentle rule, scarcely five hundred white men, all told, settled within the ter-



MASSACHUSETTS COINAGE

ritory Charles had given him: a few tiny Swedish hamlets, a few Quaker families who had crossed the river from West Jersey, stragglers here and there, looking for good lands. There was something of a village at Upland (whose name Mr. Penn was presently to change to Chester), on the river, where the authority of the new proprietor was first proclaimed and his liberal plan of government made known in September, 1681; but the real creation of the colony was to follow, when colonists began to pour in under the new arrangement. In August, 1682, Mr. Penn added to his first grant from the

King the lands lying about New Castle and below, by purchase from the Duke of York, to whom they had passed with the rest of New Netherland when the Dutch were ousted; and a few hundred more were thereby added to the number of his colonists, Dutch as well as Swedes, and a few score scattered groups of lonely settlers. Maryland hotly protested the new grant. Her own charter gave her the Delaware for eastern boundary. She had never acknowledged the title of the Dutch there, and thought the title of his Grace of York no better. But her protests were not heeded. Mr. Penn was determined not to be shut within the continent, but to get his own outlet to the sea, and took what the wilful Stuart granted him. The very month of that new grant, August, 1682, he himself took ship for his province, with a goodly company of Quakers, to begin the real planting of the new region. He reached the colony in October; and during that autumn and the winter which followed (1682–1683) no fewer than twenty-three ships came into the Delaware bringing immigrants; to be followed presently by other ships seeking trade.

Within but a little more than a single year of his coming, Mr. Penn could boast, "I have led the greatest colony into America that ever any man did upon a private credit, and the most prosperous beginnings that ever were in it are to be found among us." By 1685 there were more than seven thousand settlers there. Englishmen predominated among them, but almost one-half the number were of other nationalities,—French, Dutch, Swedes, Germans, Finns, Scots-Irishmen, whoever would come, men of all creeds and kinds, who had sought out the free place and had been accorded an ungrudging welcome. A company of Welsh Quakers

arrived before the proprietor himself (August, 1682), and settled upon a tract apart, which it had been agreed beforehand they should have. The next year came a little colony of Germans to obtain like privileges upon a grant of their own, and to make ready for others of their race, a great many, who were to follow. And so company followed company, now of one nationality and again of another, bringing what creed and what peace-

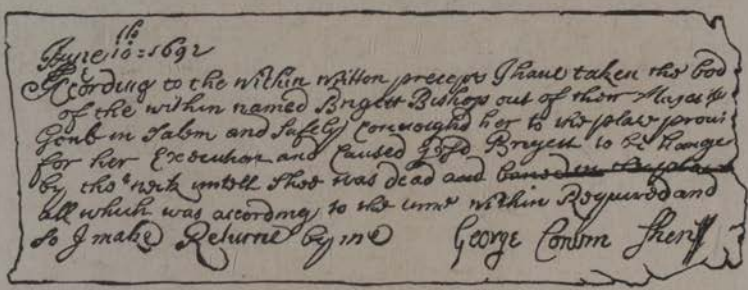


PROVINCE HOUSE, RESIDENCE OF THE ROYAL GOVERNORS OF MASSACHUSETTS

ful practices of self-government they pleased, to be received and given grants of land without question. Quakers for a while predominated, as Mr. Penn had wished. The German settlers were most of them Mennonites, whose creed and way of simple living were very like those Mr. Fox had preached. And where there were Quakers government was apt to be a very simple matter. Few officers were needed in their hamlets, and for a while no courts at all. They settled their common affairs not only, but the private quarrels, differences, and difficul-

ties of their members also, very quietly in their own stated meetings, and seemed to know the secret of enforcing good temper as well as orderly conduct in a way very honorable to their principles.

The chief town of the province was established at the confluence of the two fine rivers Delaware and Schuylkill, and Mr. Penn named it Philadelphia, wishing it to be a place of peace and good-will. At first those who were to build there lived in caves cut out of the bluffs which lined the river; but they were quick at substitut-



FACSIMILE OF A SHERIFF'S RETURN EXECUTION OF A WITH

ing good houses. By the end of the year 1683 there were no fewer than one hundred and fifty dwellings built,—frail and cheap enough, no doubt, but sufficient until stone and brick could be had, and time in which to build with them. The change came very soon. The sober, substantial, yeomanlike folk who came into the colony preferred, whenever it was possible, to build of good, lasting stuff, and to build solidly and well. Before Mr. Penn sailed for home, in 1684, there were already three hundred and fifty houses erected, some of them several stories high, built with cellars and decorated with balconies. Outside the central town, with



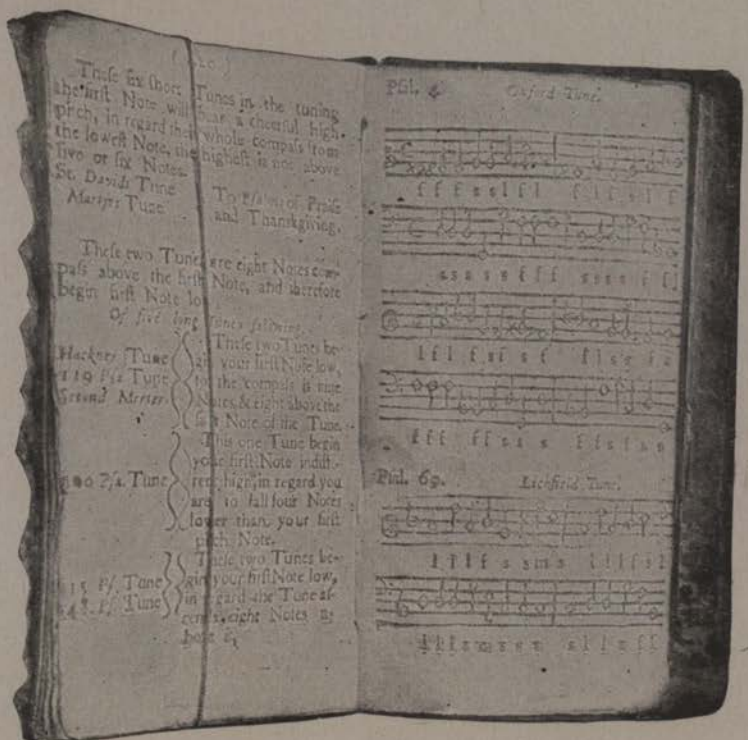
A PENNSYLVANIA CAVE-DWELLING IN 1683

its busy two thousand colonists, there were quite fifty hamlets in the thriving province.

Government did not go quite so easily after Mr. Penn returned to England. He left men behind who wished to have their own way, and whom no authority less than his own could restrain. "For the love of God, me, and the poor country," he wrote them, "be not so *governmentish*, so uneasy and open in your dissatisfaction." But, though the growth and prosperity of the colony were a little retarded by the bickerings of those left in control, there was, after all, less turbulence in the sober colony than Pennsylvania's neighbor settlements had made shift to put up with and survive. The government was liberal in all things, and very simple in its make-up, — upon the familiar model of deputy governor, council, and assembly. The courts did not attempt the elaborate procedure of the courts at home. There were not lawyers enough in the colony for that, and no one was very anxious to see more of them there. A very simple method of trial sufficed for simple causes, with or without juries as the parties to the suit might agree; and the Quakers at their periodical meetings saw to it that as few of their own people should resort to the courts as possible. That various population was of course too heterogeneous and too spirited not to give its rulers trouble; but it went on to prosper very well, and to make its way in the world in a fashion so orderly that its neighbors might well have looked on in envious wonder.

For one thing, it kept peace with the Indians as its neighbors could not. The Quakers everywhere seemed to win the confidence of the redmen upon the instant, as Roger Williams had won it, whose doctrines and

principles of life were so like their own. They won it by loving justice and keeping faith, and Mr. Penn set them an example which neither they nor any others who heard of it were likely to forget. He scrupulously



PAGE OF TUNES FROM THE "BAY PSALM BOOK"

purchased the land he occupied of its native owners. He hoped for their speedy civilization, and stipulated in the contracts which he made with those who in turn purchased from him that the Indians should have "the same liberties to improve their grounds and provide for the sustenance of their families as the planters"

who were established there. There was something that took hold of men's imaginations in the sober conference he held with the Indians, as if with the leaders of an equal race, at Shackamaxon, June 23, 1683,[1] and in the terms of the free treaty then entered into. Peace between the white men and the red in Pennsylvania rested always upon the firm foundations of mutual confidence which were laid that day. It was a peace whose guarantee was good-will and friendliness. It was a colony of rigorous laws. "Profanity, drunkenness, the drinking of healths, duelling, stage plays, masks, revels, bull-baiting, cock-fighting, cards, dice, and lotteries were all prohibited," and women might be fined for clamorous scolding, quite as in Puritan New England. But it was a more kindly rigor, as the Indians perceived. The New Englanders had sought to be just with the redmen; but the Quakers sought to add a gentle kindliness to justice, and their peace was more lasting than that of the English in the north.

And yet not even their fine temper and quick spirit of justice could have so steadily held the restless redskins off from mischief had not the fates of the forest made their borders a place of peace. The Indians they dealt with were not the men who had once made that wilderness a place of dread and caution. Six years before Mr. Penn got his charter (1675) the formidable Susquehannocks, once masters there, had turned their faces to the south, beaten and in retreat before the implacable hatred of their kinsmen of the Five Nations at the north, and had gone to harry the borders of Maryland and Virginia and bring Mr. Bacon to his fate. There were now none but humble Delawares to be dealt with in Mr. Penn's province, men who paid their tribute

[1] See page 319

right promptly to the masterful Iroquois who had driven the Susquehannocks out, accepted them as masters, and dared not lift a hand against the English, whom the Iroquois received and fought for as friends and allies.

The next year after Mr. Penn's meeting with the Indians at Shackamaxon saw an infinitely more important treaty concluded with the Indians in the north. This was the treaty made with the great Iroquois confederacy itself at Albany, on the 2d of August, 1684, to secure the frontiers of the English alike against the redmen and against the French. The tribes of that memorable confederacy were the most capable and formidable anywhere to be found upon the eastern stretches of the continent. Their power extended from the lakes to the borders of the Carolina grant,—as the Susquehannocks had reason to know. The Dutch in New Netherland had early won their friendship,—the French in Canada their bitter enmity. It was with the firearms the Dutch had sold them that they had made themselves masters in all the Indian country north and south, and had brought their power to such a pitch that no settlement of the white man was safe without their good-will. The French had long ago sent missionaries among them, to speak to them both of the true God and of the sacred authority of his Majesty their king in France, and had used, through these, every argument of interest and every threat of power to bring them to an alliance; but the shrewd sachems who were their statesmen had stood out unchangingly against their advances, and had held fast to the English, seeing very clearly in their calm counsels, as they sat apart, how much greater the power of the



AT AN IROQUOIS COUNCIL FIRE

white men grew in the south than in the north. The English governors of New York were as quick as the Dutch rulers of New Netherland had been to see the priceless value of this protecting friendship of the border, no less than of the great trade in furs of which it made Albany the mart and centre. They saw how it would serve them when it should come to the final rivalry between French and English for the possession of the interior of the continent; and they held the French off by a very close alliance with the masters of the forests.

Governor Andros, being a soldier and man of affairs, had seen to this critical matter in person, going himself to the stronghold of the Mohawks and establishing a permanent board of Indian commissioners to keep warm the alliance with the powerful confederacy which the Mohawks represented. He was as efficient in the proper affairs of his own province of New York as he was arbitrary in pushing for authority beyond its borders in the Jerseys. And Colonel Thomas Dongan, whom the Duke of York selected to succeed him in the government of the colony, was no less watchful and competent. Had his Grace known as well how to choose servants and counsellors in England, he had fared better, and might have kept his throne when he came to it. Colonel Dongan was a soldier, an Irishman, and a Roman Catholic, and had served in the armies of France,—no good school for an English governor, — and yet he proved himself a wise ruler in a colony in which the Duke, his master, saw fit to permit liberty of conscience and to observe a very liberal policy in affairs.

Colonel Nicolls had established a singular government in New York at the very outset, nineteen years ago. There was nobody in all its organization to repre-

sent the colonists. Its officers were appointed; its decrees were absolute. But its decrees were also liberal and just, made in the interest of the colony as well as in the interest of the Duke. Andros had been knighted for his services there, and was Sir Edmund when he went home in 1681 to explain his quarrel with Philip Carteret; and no wonder, for he had done a notable



MEDAL PRESENTED BY JAMES II. TO THE KING OF THE POTOMACKS

thing. He had strictly enforced the laws of trade, admitting no vessel to discharge her cargo at the great bay where his government was which had not paid duties or made clearances as the English statutes commanded; and, instead of breeding rebellion by what he did, had linked New York to the home ports in England by a direct trade across sea, which every year grew greater, and which steadily tended to make his province the chief home in all America of loyalty and

cordial feeling for the mother country, a chief port of entry for English ideas and English sympathies.

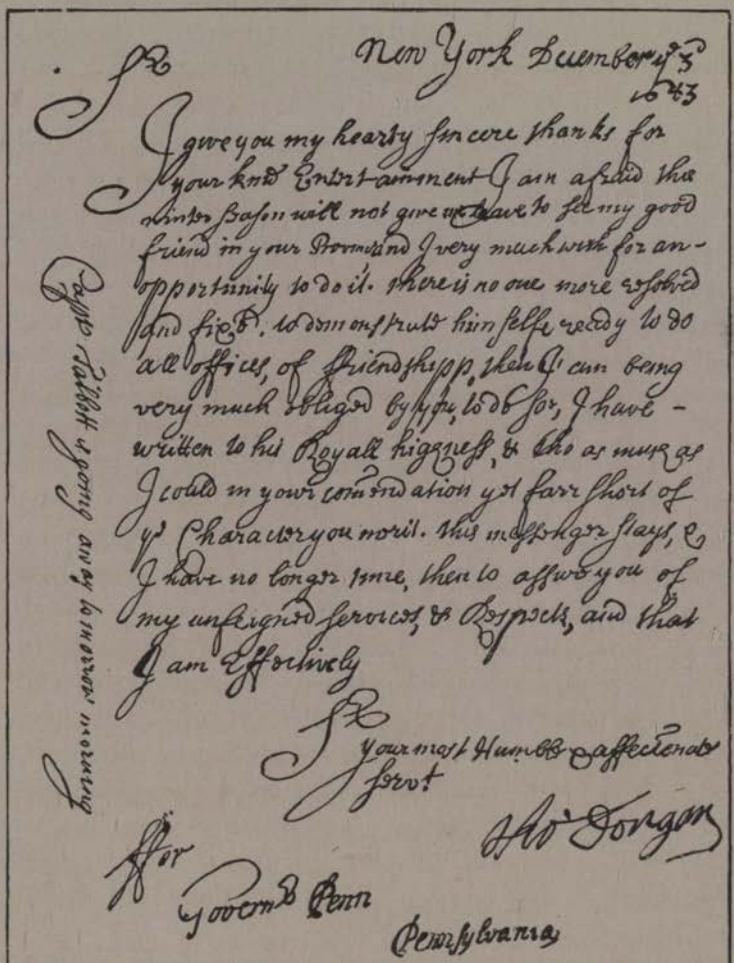
Colonel Dongan did no less for the Duke's authority, but in another way. In his treaty with the Indians, that notable treaty of August, 1684, he did no more than confirm the policy of Sir Edmund and the Dutch. What made the treaty so impressive an event was the presence and co-operation of Lord Howard of Effingham, now governor of Virginia. It was an agreement establishing not merely the safety of the borders of New York, but also the claim of the English to a sort of sovereignty and overlordship over all the great stretches of the continent south and southwest of Lake Ontario. It concerned Virginia no less than it concerned New York; and the redskins regarded it the more because of the presence of the ruler of the English in far-away Virginia, as well as of the Duke's governor in New York.

Colonel Dongan had been instructed to play a very different *rôle* in the internal government of his province from that which Andros had played. Despite the very liberal measures adopted and the sound public spirit shown by the Duke's governors hitherto, it was not in English nature to be satisfied for twenty years together without such an assembly to speak and act for the people as every other colony had, north and south. Emphatic protests and a strong appeal crossed the sea close upon the heels of Sir Edmund Andros in 1681,—speaking not so much discontent with the Duke's governor as a firm and rooted objection to the form of government, which the colony now seemed entitled to say that it had outgrown; and the Duke thought it wise to yield. Colonel Dongan came, in August, 1683, instructed to appoint a council and call an assembly;

and by October New York had a government like that of her neighbor colonies. No tax or imposition was to be laid or law made except by act of assembly,—and that looked like privilege enough. The new governor, too, might well be to the mind of all who liked candor and capacity. He had the blithe humor of his race, and was a man to approve and relish as a comrade; and yet his firm purpose and clear eye in all points of action made him also a man to respect, obey, and follow.

And then, when all things seemed settled, of a sudden the whole sky changed, because in February, 1685, Charles II. died, and the Duke reigned in his stead, as James II.,—a man whom all the world knew to be a Roman Catholic, and presently discovered to be a tyrant, the more intolerable for his solemn bigotry. The same year Louis XIV., king in France, revoked the great Edict of Nantes, forbade the Protestants their worship in his kingdom, and so drove fifty thousand of the best people of France,—soldiers, men of letters, craftsmen, artificers,—forth from the land they had enriched, to make Holland, England, Brandenburg, and America so much the better off for their skill and thrifty industry. By spring-time Monmouth and Argyle were in the field, and England saw rebellion lift its head again, both in Scotland and in the south. It was an ominous beginning for the sullen King; and the colonies were to get their share of the change which his reign brought to Englishmen everywhere.

It was a brief reign enough. James ran his course of tyranny with a sort of bitter haste, and had finished the mad business before the fourth year of his rule was ended. The first year (1685) saw the brutal Jeffreys ride his bloody circuit through Somerset and Dorset,



New York December 5
1683

I give you my hearty sincere thanks for
your kind Entertainment I am afraid the
Winter Season will not give me leave to see my good
friend in your Province and I very much wish for an
opportunity to do it. There is no one more resolved
and ready to demonstrate himself ready to do
all offices of friendship than I can being
very much obliged by you, to do for, I have
written to his Royall highness, & that as much as
I could in your commendation yet fall short of
ye Character you merit. This messenger stays, &
I have no longer time, then to assure you of
my unfeigned services & respects, and that
I am Effectively

Your most Humble affectionate
Servt

Colo Talbot going away to morrow morning

For
Governor Penn
Pennsylvania

LETTER OF DONGAN TO WILLIAM PENN

to hang, scourge, or behead those who had incurred suspicion of sympathy, were it never so remote or slight, with Monmouth's rising. More than eight hundred persons were sold into slavery over sea; three hundred and fifty said to be rebels were hanged; women were scourged from market-town to market-town, sent to the block, or burned; and all England stood horror-stricken to see the King's revenge and bitter hate. The next year saw him openly bent upon freeing the Romish Church by his own authority from all restraint of law. Statutes he set aside by the use of what he said was the crown's prerogative. He declared all creeds free; but he forbade the ministers of the established Church to preach its Protestant doctrine. Bishops who would not yield to his will he haled before the courts; and, lest the ordinary courts should prove disobedient, he set up a special Court of Ecclesiastical Commission, to do what he should bid in the discipline of the Church. He maintained a standing army without the consent or vote of Parliament, and levied taxes without its authorization. He was as subservient to France as to the Church of Rome, and admitted no one to his counsels who would not accept his creed and do his bidding.

It was strange the nation held its hand so long; and yet the end came swiftly enough. By midsummer, 1688, those who were ready to risk their lives and fortunes for England's constitution had urgently prayed William, Prince of Orange, to come into England, put James from his throne, and save their liberties. William was husband to Mary, James's daughter; was a Protestant, a statesman, and a man of honor. He came with an army at his back. But it was not necessary to conquer England. She knew her straits and was

ready and glad to receive him. James miserably fled; the Parliament accepted his flight as a voluntary abdication; and the throne went by act of Parliament to William and Mary. Thus was accomplished what



James. JAMES II.

men who loved the ancient liberties of England were afterwards to look back to as "the glorious Revolution of 1688." No king should henceforth pretend to any right to rule without consent of the Parliament, or in despite of the liberties of the nation which had exe-

cuted Charles, ousted James, and re-established the throne in such fashion as suited its sense of justice and its own security. It was the formal setting up, as public law of England, of the bold doctrine of the people's rights which Sir Edwin Sandys had preached from his place in the Commons seventy-six years ago to the deep displeasing of James I. The momentous thing was over and complete by February, 1689; and it was then just four years since Charles II. died.

For the northern colonies in America those four years had meant a memorable change of government, as ill to live under, almost, as the tyranny in England. For a little while after the loss of her charter in 1684 affairs had moved on smoothly and without serious incident in Massachusetts, though half-heartedly enough, it was plain, under a provisional government, waiting to see what the crown would do. The death of King Charles delayed a settlement; but James, when he came to the throne, very promptly showed what he meant to do. He resolved to put Massachusetts and the colonies lying immediately about her into the hands of a royal governor and an appointed council, without an assembly or any other arrangement for a participation of the people in the management of their affairs. At first (May, 1686) he named Joseph Dudley "President of the Council for Massachusetts Bay, New Hampshire, and Maine, and the Narragansett country, or King's Province," but gave him no authority to alter law or impose taxes. But that was only a temporary arrangement. The real change came with the arrival of Sir Edmund Andros, in December, 1686, to be "Governor-General and Vice-Admiral"; and Plymouth was added to his government.



WILLIAM III.

Joseph Dudley had been unwelcome enough. It was a bitter thing for the people of Massachusetts to have this man, whom they deemed a traitor, nothing less, set over them. He was the son of Thomas Dudley,

the stern Puritan of their day of first exile and settlement, who had been second to great Winthrop in the founding of the colony. And now Thomas Dudley's son, once their agent in London to defend their charter, had consented to serve the crown in the overthrow of their liberties. But Andros was worse. Dudley was at least timid and time-serving and doubtful of his power; but Sir Edmund came with instructions and with a temper of command which no one could mistake. He meant no rank injustice, indeed, but he was no statesman, knew only the rough way of the soldier in carrying out his instructions, and had very definite and unpalatable instructions to carry out. He was bidden appoint persons of the best character and estate to his council, and to disturb the existing law of the colonies as little as possible; but he was also commanded to allow no printing press within his jurisdiction; to insist upon a universal toleration in matters of religion,—especially upon the encouragement of the worship of the Church of England; and to execute with vigilance and vigor the laws of trade. He was given, too, a small number of royal troops for his support, whose red coats were sadly unwelcome in Boston. Worst of all, he was authorized to govern and to lay taxes without an assembly.

This was evidently the sort of government the King meant to set up everywhere in the colonies. He had instructed the officers of the crown almost at the very outset of his reign to secure the annulment of the other colonial charters, and suits had already been prosecuted in the courts against Connecticut and Rhode Island, against the Carolina grants, and even against those he had himself given only the other day in New Jersey.

A NEW VOYAGE TO CAROLINA;

CONTAINING THE

Exact Description and Natural History

OF THAT

COUNTRY:

Together with the *Present State* thereof.

AND

A JOURNAL

Of a Thousand Miles, Travel'd thro' several Nations of *INDIANS*.

Giving a particular Account of their Customs, Manners, *&c.*

By JOHN LAWSON, Gent. Surveyor-General of *North-Carolina*.

LONDON:

Printed in the Year 1709.

TITLE-PAGE OF LAWSON'S "A NEW VOYAGE TO CAROLINA"

The next year after Andros's coming (1687) he turned upon Maryland. New York and Virginia were already practically his own, to deal with as he pleased. The same year Andros went to Boston, Governor Dongan, of New York, was instructed to forbid the popular assemblies granted but three years before. He was commanded, too, as Andros was, "to allow no printing press." James meant to be master everywhere, and to permit not so much as a word of public comment upon what his servants did; and all America felt the change. Before the first month of his administration was over, Andros, acting upon the King's command, had dissolved the government of Rhode Island, and assumed control of its affairs. The next year he did the same in Connecticut; and in 1688 New York and the Jerseys were nominally added to his government, Francis Nicholson acting as his deputy there.

The chief general *authorities* for the history of Pennsylvania during the seventeenth century and the first years of the eighteenth are the second volumes of Bancroft and Hildreth; the second volume of Bryant and Gay's *Popular History of the United States;* John Fiske's *Dutch and Quaker Colonies;* F. D. Stone's *The Founding of Pennsylvania,* in the third volume of Winsor's *Narrative and Critical History of America;* S. M. Janney's *Life of William Penn;* C. B. Keen's *New Sweden, or the Swedes on the Delaware,* in the fourth volume of Winsor; Thomas F. Gordon's *History of Pennsylvania from its Discovery by Europeans to 1776;* Samuel Hazard's *Annals of Pennsylvania from the Discovery of the Delaware, 1609-1682;* and Robert Proud's *History of Pennsylvania from the Original Settlement in 1681 till after the Year 1742.*

The chief *sources* are to be found in Samuel Hazard's *Pennsylvania Archives; Minutes of the Provincial Council of Pennsylvania; Colonial Records of Pennsylvania; Duke of Yorke's Book of Laws* (1676–1682) and *Charter to William Penn and Laws of the Province of Pennsylvania passed between 1682 and 1700,* compiled by Staughton George and others; *Votes and Proceed-*

ings of the House of Representatives of the Province of Pennsylvania; Memoirs of the Pennsylvania Historical Society; Ben Perley Poore's *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States; The Pennsylvania Magazine of History and Biography;* and Stedman and Hutchinson's *Library of American Literature.*

X. The Revolution

HAPPILY the new tyranny had no longer life in America than in England. It came promptly enough to its end when the news reached the colonies of James's disgrace and flight and William's coming. The Boston people rose, as if by a common instinct; seized Andros and his officers; seized the fort; seized even the King's frigate lying in the harbor; and resumed their old government under their old magistrates, to await further tidings from over sea. The other colonies round about followed suit. Sir Edmund had got himself well hated. He was an honest, well-meaning man enough, a plain and not very quick-witted soldier who executed his orders quite literally; but he was arbitrary and harsh, and showed sometimes an unwise and ugly temper when he was opposed. And the orders he tried to execute were intolerable to the people of the once free colony he governed. He levied taxes by the authority of the crown; he demanded quit-rents of all the land owners of the colony, because the loss of the charter, he was told by the law officers in England, destroyed the right of the colonists to the land they had acquired under it; he forbade even the ordinary town meetings; and he sought to crush opposition by harsh punishments. To these Puritans it was no small part of the trying experience that he encouraged some to set up a society to worship after the manner of the Church of England, and use

the hated prayer-book; and that in 1688 the Episcopal congregation thus formed built a place of worship, which they called King's Chapel, in Boston. It was a happy day when they got rid of the hateful tyranny; and an assurance of better times when they presently learned that the new government at home approved what they had done, and were willing that they should send Sir Edmund and his fellow prisoners to England for trial.

The action of the people was no less prompt and decisive in New York, James's own province. Francis Nicholson, Andros's deputy in New York and the Jerseys, was as little liked there as Andros himself was in Boston. Both he and the members of his council, because they supported him, were looked upon as tools of a papist king, and New York was Dutch and Protestant. The two regiments of the King's regulars Sir Edmund had brought with him upon his second coming out, to be governor of all the northern coast, were Irish Catholics every man, and Nicholson had come out as commander of one of them. To the uneasy suspicions of the critical Protestants of the little seaport, affairs wore the ugly look of having brought them into the power of men who must of necessity prove the enemies of a Protestant king. With news of the revolution in England, moreover, came also news of war with France, the ousted King's Romish friend and ally; and the King's officers fell into an evident panic. While they hesitated what to do, a captain of the men-at-arms they had called together for their defence seized the fort and the government in the name of the Prince of Orange. This was Jacob Leisler. He had come to the colony close upon thirty years before (1660), as a soldier in the employ of the Dutch West India Company;

New-England's Spirit of Perſecution

Tranſmitted To

PENNSILVANIA,

And the Pretended *Quaker* found Perſecuting the True

Chriſtian-Quaker,

IN THE

TRYAL

OF

Peter Boſs, George Keith, Thomas Budd, and *William Bradford,*

At the Seſſions held at *Philadelphia* the Nineth, Tenth and Twelfth Days of *December*, 1692. Giving an Account of the moſt Arbitrary Procedure of that Court.

Printed in the Year 1693.

EARLY NEW YORK PRINTING BY WILLIAM BRADFORD

had thriven in trade and made a place of influence for himself among the colonists; and now stepped forth as their champion against the officers of the papist King whom the Parliament had deposed.

It was the news of war that chiefly wrought upon the fears of the town. It was yet spring-time, 1689, and the news that war had actually begun reached New York, a hasty rumor, before the fact. But it spoke truth, nevertheless; and no man could be ignorant what special interest New York had in the matter. Louis of France was in fact planning that very spring how he should make the place his own, to the undoing of the English in America. With the coming of summer his plans were complete. The veteran, indomitable Frontenac, master, if any man was, of the strategy of the forest, was to go back to Canada to take a force of one thousand French regulars and six hundred Canadians through the northern wilderness to Albany, thence to sweep down the river and meet the King's fleet, sent timely out of France, at New York; and France was to be mistress at the centre of the continent before another winter was out, ready to strike a final blow, first at the Iroquois behind her in the forests, and then at the English on the northern coasts. France made no sign as yet; the whole plan kept covert in Paris, a closely guarded secret; no one in America knew what was afoot. But some seemed able to divine. A keen foreboding quickened the faculties of all who thought upon the hazard of fortunes in the struggle that had all but come; the air seemed full of something, — who could tell what?—and rumors crept through the forests and along the coasts in which men seemed to guess what Louis planned.

A true and perfect Inventory off all the Goods Cattle & Chattels of Appeared to us off Mr. Sam: Leeke Late deceased appointed according to orders of Court by Jacob Leisler and Mr. Paulus Richard and is as followeth 21

one feather Bed Bolster and two pillowes with Rugg three blanketts one bedsted mat & Red Curtains	04-15-00
Item six Leather Chayres one Chest & stool and Cushion	0.2-05-0
Item one small trunck two Cattle skins and Breeches	02-00
Item one paire off trousers one Gowne ffowre shirts & Wastcoates	00-16-00
Item three Neckcloathes one paire of old towren Sheets & an handkercheife	00-08-00
Item three paire old black Stockings two paire old & three one paire old woollen stockings	00-08-00
Item three paire off false Sleeves two paire Gloves	00-02-00
Item two Chests three Combes one Knife one Small Bottell In Case	00-16-00
Item the boards In one table for Cupboard	00-00-00
Item on table & three fellows not his on Howse	
Item one paire andirons one fier Shovell one paire of pistols one Carbine & one Sword	04-00-00
Item on old bridle & Brest plate & old Cloake without Keyes	00-04-00
Item one piece of Scheckled one Cake Wax & Bottle	00-02-06
Item Thirty & printed bookes great and Small	05-16-00
Item on guilt bed and Coulter and two bedsteds & trenchers	00-12-00
Item on Warming pan	01-10-00
Item all other things Lumbe and Lumbers not named in particulars	00-10-00
	4-13-10-00

Paul Richard
Jacob Leisler

AN INVENTORY OF GOODS, SIGNED BY PAUL RICHARD AND JACOB LEISLER

Not a few new-comers to the busy settlements which lay about the bay at New York had special reason to fear to see Louis strike. It was but four years since the revocation of the Edict of Nantes. Many a Huguenot family had found welcome there and a refuge from death, and knew not what fresh misfortune might overtake them should their insensate King take also these free coasts of the New World. Every rumor bred a deeper uneasiness. No ship came in at the Narrows which did not seem for a moment to be come out of France, no group of ships that did not look like a fleet of French frigates. Nothing was so easy as to throw the simpler people of the little town into a state of mind to be glad of any friendly leadership which seemed to make them safe against plotting Catholics, whether out of France or out of England. Leisler was sure of the sympathy of the crowd, and seemed to it to give proof of honesty in all that he did. As a matter of fact, there was no danger. Colonel Dongan had done his work too well in the diplomacy of the forest. He had won the Iroquois to an alliance of which they gave, that very summer, instant and timely proof. As if some English statesman had set their work for them, they made King Louis's plans impossible before ever they were put upon the field. Frontenac reached Canada in October to find that all the northern wilderness had been swept as with a flame by the fierce warriors of the great confederacy. The fur trade of the lakes was cut off; the posts upon the frontiers were taken and plundered; Montreal itself was barely saved from capture and destruction. There could be no expedition to Albany after that season's work of rapine and slaughter.

The

FRAME

OF THE

GOVERNMENT

Of the *Province* of

Pennsylvania

In *America*.

Printed, and Sold by *Andrew Sowle* at the Crooked-Billet in *Holloway-Lane* in *Shoreditch*, 1691.

TITLE-PAGE OF THE PENNSYLVANIA FRAME OF GOVERNMENT

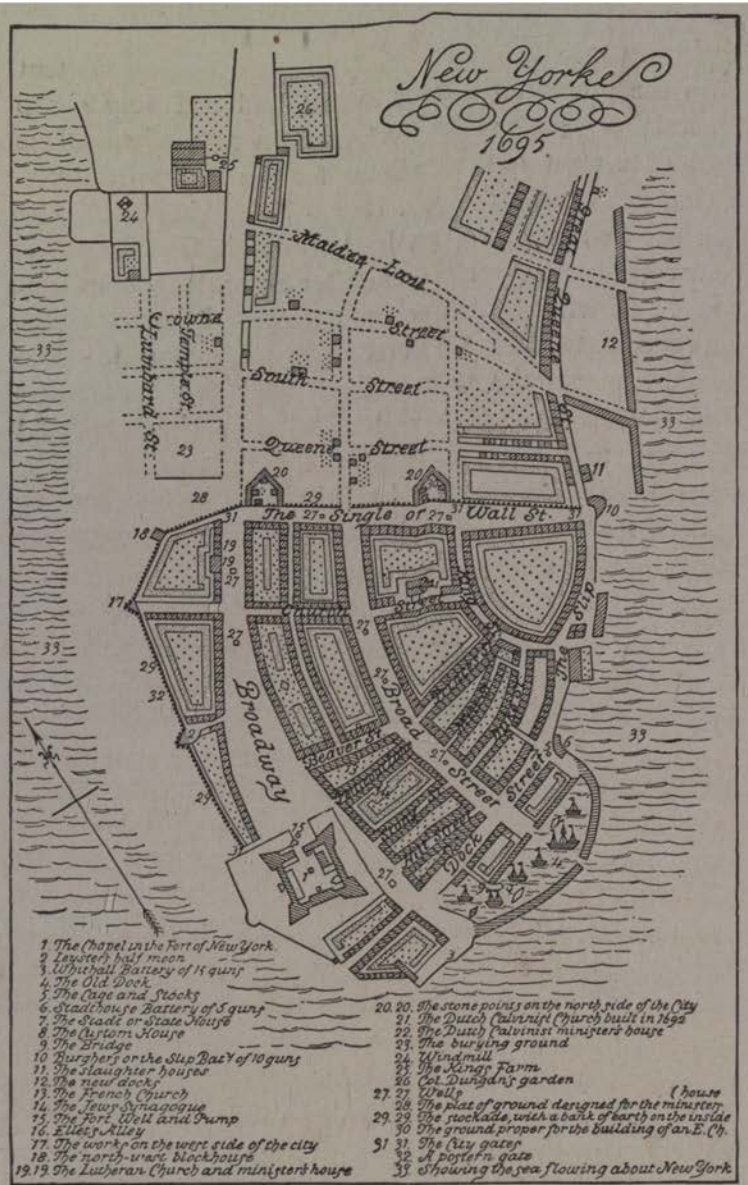
But New York did not know how safe it was; and Leisler had his day. It might have been well enough, had he stopped with thrusting Nicholson aside and assuming to play the new King's partisan and governor till the air should clear. But he did not. For a year and a half he maintained himself as governor, in the new King's name, but without his authority. He even resisted commissioned officers of the King, until a governor sent from England came; and then he was hanged for treason. It was a sad, unjust end. The man had been hot-headed, arbitrary, blind, and wilful, and had done much that the law could not sanction in order to have his own way; but he had done all, even that which was the deepest folly, in good faith. He had meant to serve the community he ruled, and had planned no treason against the King. There had been not a little of the heat of parties at the bottom of the trouble. The greater land owners, the King's officials, and the rich merchants had wished Nicholson to keep the government until the new King should send some one in his stead. The small tradesmen, the artisans, and the sailors of the town heard that there was war with France, and that a French fleet was coming against the place, and believed that the rich men and the officials among them were no lovers of common men's liberties, or of a Protestant church, either; and Leisler was their leader. His condemnation was a thing resolved upon and hurried to its execution in New York, not commanded from over sea; and in 1695 Parliament itself took off the stain of treason from his name.

In Maryland those who were unquiet and did not like the proprietor's government took advantage of the time to overthrow it. There were men enough who



GOVERNOR SLOUGHTER SIGNING THE DEATH WARRANT OF LEISLER

had watched for such a chance. Though discontent with the proprietor's government had met very sharp frustration and rebuke twelve years ago, when Davis and Pate went to the gallows for the treason of emulating the example of Mr. Bacon in Virginia, as many wanted a change now as had wanted it then, and this new opportunity seemed made for any who chose to act upon its invitation. The mere fact of being governed like a private estate and mediæval county palatine was very irksome to the more ambitious spirits of the colony; and the more closely and sedulously the proprietor attended to his government the more irksome did it become. He dealt very harshly with opposition; he openly interfered with elections to the assembly; he disallowed and set aside such legislation as he did not like; he gave the offices of government to men of his own kin or personal following; and the taxes were not always spent for the public benefit. It was like the government of Virginia with a petty king in residence. And that petty king, every one knew, was of the popish party, whose part the great King at home had played to his own undoing. Men fancied they saw new popish plots in every trivial incident or shifting of affairs. If the panic had touched New York and turned her government upside down, it was little to be wondered at that it touched Maryland also. Richard Talbot, Duke of Tyrconnel, the officer who reduced Ireland "from a place of briskest trade and best paid rents in Christendom to ruin and desolation," and who had dared hold it for James Stuart, despite the Parliament in London and the authority of the Prince of Orange, was of Lord Baltimore's kin and his very close friend; and Maryland teemed as no other colony did with Ro-


New Yorke
1695
Maiden Lane
Smith Street
South Street
Queen Street
Wall St.
Broadway
Broad Street
Dock
Slip
1. The Chapel in the Fort of New York.
2. Layestef half moon
3. Whitehall Battery of 14 guns
4. The Old Dock
5. The Cage and Stocks
6. Stadthouse Battery of 5 guns
7. The Stadt or State House
8. The Custom House
9. The Bridge
10. Burghers or the Slip Battry of 10 guns
11. The Slaughter houses
12. The new docks
13. The French Church
14. The Jews Synagogue
15. The Fort Well and Pump
16. Ellets Alley
17. The works on the west side of the city
18. The north-west blockhouse
19.19. The Lutheran Church and ministers house
20.20. The stone points on the north side of the City
21. The Dutch Calvinist Church built in 1692
22. The Dutch Calvinist ministers house
23. The burying ground
24. Windmill
25. The Kings Farm
26. Col. Dungans garden
27. 27. Wells
28. The plat of ground designed for the ministery house
29. 29. The stockade, with a bank of earth on the inside
30. The ground proper for the building of an E. Ch.
31. 31. The City gates
32. A postern gate
33. Showing the sea flowing about New York

MAP OF NEW YORK IN 1695

man Catholic partisans. Lord Baltimore was, in fact, no laggard in his loyalty. He promptly despatched instructions out of England commanding the immediate proclamation of King William and Queen Mary to the province; but his messenger died on the way, and Maryland seemed to lag behind the other colonies in her loyalty. Upon which one John Coode, and some others, pretending, perhaps believing, that the proprietor's officers in the colony meant to defy the crown and establish papacy, got together an "Association in Arms for the Defence of the Protestant religion, and for asserting the right of King William and Queen Mary to the Province of Maryland and all the English dominions," officers of the militia and the very Speaker of the colonial House acting with them; seized the government of the colony (1689); convinced the King of their sincerity and good faith in what had been done, though many of the best people in the colony protested; ruled as their party pleased for two years; and then welcomed a royal governor (1692). They had made Maryland a royal province out of hand. Lord Baltimore was henceforth to receive only his quit-rents and the proceeds of the export duties.

It was a Protestant revolution with a vengeance. Taxes were ordered levied for the support of the Church of England. The immigration of Roman Catholics was prohibited and the public celebration of the mass forbidden by law. The seat of government was removed from St. Mary's, where the Catholic families held sway to whom the colony had owed its establishment, and set up at Providence, presently to be known as Annapolis, where the Protestant influence centred. Maryland was transformed.

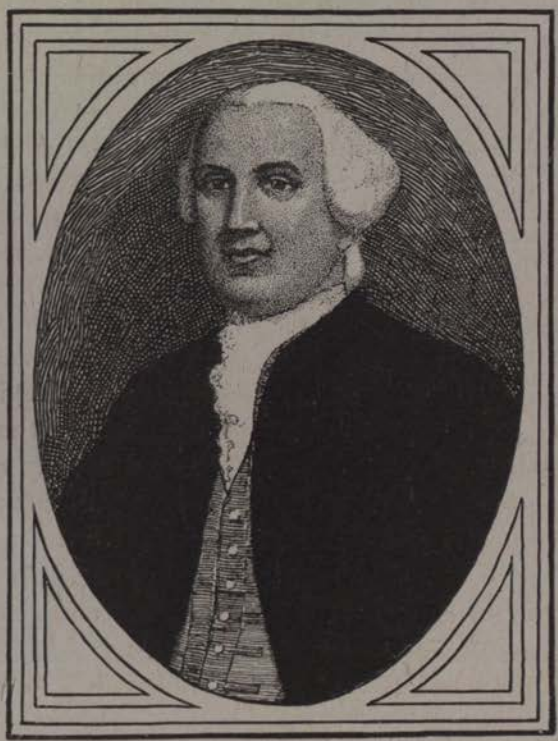
Everywhere in the colonies there was doubt for a little while what government to obey, until things should be settled in England, and his Majesty King William should have time to turn his attention to affairs in America. Nowhere was the doubt more embarrassing than in East and West Jersey, which seemed left without any general government at all. Formal negotiations had been afoot in 1688, the very year of the revolution, for the surrender of the rights of the East Jersey proprietors to the crown; repeated transfers of proprietorship and redivisions of jurisdiction, both by private sale and public grant, had from the first sadly confused authority in the province; and when news came of what had happened in England, some doubted whether there were either royal authority or private right for the government of the growing hamlets of either colony. Affairs presently settled even there, however, to their normal frame again. For quite fourteen years longer the proprietors kept their right to appoint governors and exercise superintendence there. The settlers in the two provinces, moreover, were for the most part hard-headed English and Scottish people, who were not to be disconcerted in the management of their own affairs by trouble in England or the mere lack of a settled general government. For quite three years (1689–1692) they waited, without disturbance or excitement or any unusual interruption of their quiet life, under the direction of their town and county officers; until at last they learned what their government as a province was to be. There were already five organized counties in East Jersey, and had been these twenty years, since before the second coming of the Dutch (1674); and ten thousand people crowded their little towns and the cleared

spaces of the forest about them. West Jersey, on the other side of the forests, by the Delaware, had grown almost as fast. Both provinces had the means and the men to take care of themselves.

It was not very long, after all, before government became a settled and ordered power again under the new King. William of Orange was a businesslike master, a real governor, not likely to do less, likely, rather, to do more, than either James or Charles in the government of the colonies; and the colonies felt the power of his systematic way of rule very soon. The old charters of Connecticut and Rhode Island were presently recognized again and confirmed; but Massachusetts, instead of her old, got a new charter. Plymouth lost her separate rights altogether and was merged with Massachusetts; and many things were changed. It must have seemed to the older men in the towns of the Plymouth grant as if the old freedom and dignity of their life had been done away with forever. Plymouth was the oldest of the northern colonies, and had kept through all the long seventy years of her separate life not a little of the fine temper, the sober resoluteness, steadfastness, moderation, and nobility given to her at the first by her pilgrim founders. Surely the King's advisers had forgotten her story when they thus summarily and without compunction handed her government and territory over to Massachusetts, to be, as it were, obliterated and robbed of their identity! But such, it seemed, was their way of bringing system into the administration of the northern colonies.

The new charter was granted in 1691. It not only joined Plymouth to Massachusetts, but Maine also,

carrying the northern borders of the province to the very banks of the St. Lawrence. But, though it extended her boundaries, it curtailed her liberties, and it was this that the men of the Bay principally noted.



William Phips

SIR WILLIAM PHIPS

Their governor was thenceforth to be appointed by the crown. There were to be courts of admiralty, customs officers, and a post-office service directly dependent upon the ministers in London. There was to be a representative General Court, almost as before, consisting

of the governor, his council, and a house of deputies, and the governor's council of twenty-eight was to be every year, after the first, elected by the General Court itself, in which the people's representatives predominated. Only the General Court could lay taxes and make general laws. But the King's governor was to have the right to veto any law of which he did not approve, and the crown behind him might set the Court's enactments aside, as disallowed, at any time within three years after they were passed. All the old rules as to who should vote for deputies, too, were changed. The right to vote was no longer to be confined to members of the Puritan churches; it was to be exercised by every man who had forty pounds' worth of personal property, or a freehold estate in land worth two pounds a year. Judges were to be appointed by the governor and council; all other officials of the colony by the governor alone.

It was something to have one of their own fellow colonists, a familiar figure among them, at least, for their first governor under the new arrangement, though that did not alter his powers, and he was hardly the man they would themselves have chosen. Sir William Phips was only a rough, pushing, self-made sailor, one of the youngest of the twenty-one sons of an humble gunsmith in a little settlement close by the mouth of the far-away Kennebec. He had been a ship's carpenter, a common seaman, a ship's captain,—always sanguine, always adventurous, always on the make, risking everything to win his way, and as cheerful and hearty and full of confident plans when he had lost as when he had won. At last he had actually made the fortune he was in quest of, by finding and recover-



PHIPS RECOVERING THE SUNKEN TREASURE

ing the treasure of a sunken Spanish galleon in the southern seas. He had been much in England, and had won favor in the court and out of it by his bluff and honest energy and unfailing good-will, and his breezy manners, brought fresh from the salt seas. King James had knighted him Sir William for the Spanish treasure he brought into England, and had made him high sheriff of New England when Sir Edmund Andros was governor there. In the year 1690, the year before the new charter was signed, he had led an expedition into the north and taken Acadia from the French, with much excellent private plunder, and then had failed in an expedition against Quebec. He was no statesman, and it was not pleasant for any man to be the first governor under the new charter; but bluff Sir William, known to every man in Boston, was better than a stranger might have been.

The new King's coming to the throne in England had brought war in its train, a long war with the French, as every one had foreseen it must.—"King William's War," they called it in the colonies; and war with the French meant fear and massacre on the northern borders, where the French were but too apt at stirring the Indians to their fierce attacks even in times of peace. It was this war Jacob Leisler had heard would surely bring French ships into New York and a Roman Catholic government. It gave Sir William Phips leave to make his expeditions against the north, for adventure and profit, instead.

In 1692 a distemper showed itself at Salem, in Massachusetts, which seemed for a little blacker than war itself,—an ominous distemper of the mind. It was the

year of frenzy against what men fancied to be witchcraft, and Salem, where the chief madness was, saw nineteen persons swing upon her gallows hill for commerce with the devil. Some really believed them witches; some schemed to send their personal enemies to the gallows with a false charge. Governor Phips was induced to appoint special courts for the trial of the witches; and a long year went by before men's better thoughts,



WILLIAM PENN'S RESIDENCE IN 1699

natural pity, and awakened consciences called a halt upon the murderous frenzy, and Salem, with all the province, tried to forget what had been done to the innocent.

In that year, 1692, the King appointed Benjamin Fletcher to be governor of New York, and of Pennsylvania as well, which he was instructed to bring within his jurisdiction, for the consolidation of government; and Sir Lionel Copley, appointed in 1691, became royal



AN INTERVIEW BETWEEN SIR EDMUND ANDROS AND JAMES BLAIR

governor of Maryland. Sir Edmund Andros, too, was that year once more commissioned governor, this time of Virginia, and stayed there full five years, a quieter if not a wiser man than in the days of King James. The Virginians did not wholly dislike him, taking him for what he was, a rough soldier, more efficient than patient, who meant to do his duty according to his instructions, but did not know how to do it in the wise way for his own interests and the general peace. He honestly devoted himself to the welfare of the colony, encouraged the growth of cotton in order that cloth might be made, improved the methods of administration, and sought in more than one way to better the sources of wealth. But the Virginians liked as little as the other colonists did his zeal in the enforcement of the acts of trade; and his arbitrary temper ruined him at last by bringing him into collision with James Blair.

Andros's predecessor in the governorship of Virginia had been Francis Nicholson, a man who had been hardly more than a tool of James's tyranny a little while before in New York, but who was at heart something better than a mere placeman. He was intemperate, and in private often showed himself gross and licentious; but he had some of the gifts of a statesman, and in quiet Virginia devoted himself very steadily to the welfare of the people he governed, no less than to the advancement of the general interests of the crown. James Blair had found in him an intelligent friend, and not an opponent, when he sought to set up a college in the colony. A great deal of Virginian politics centred in Mr. Blair. He was a Scotsman bred to orders in the English Church, and was but thirty-six when Sir Edmund Andros was made governor of Virginia. He

had come to the colony in 1685, at twenty-nine; and in 1690, the year Mr. Nicholson became governor, he had been appointed commissary for Virginia by the Bishop of London. Virginia was supposed to lie within the see of London, and as the bishop's commissary there it was Mr. Blair's duty to inspect, report upon, and administer discipline in the church of the colony. He



THE FIRST CHURCH IN NEWARK, NEW JERSEY

made it his first task to establish a college,—the assembly, the governor, and every true friend of Virginia at his back in the enterprise, — in order that education might sustain order and enlightenment. The King granted a charter and revenues to the college in 1692; the merchants of London subscribed right handsomely; Governor Nicholson handed over to it three hundred and fifty pounds voted to him by the assembly; and Virginia at last had the college she had wished and

planned for ever since the days of Sir George Yeardley. It was agreed that it should be called the College of William and Mary.

But when Sir Edmund Andros came, Mr. Nicholson being sent to administer the affairs of Maryland, it was found, after a few years' trial, that he and Mr. Blair could not live in the same colony. Mr. Blair was as hot-tempered as Sir Edmund, and spoke his mind in as choleric and unstinted a way. But Mr. Blair, though he was often boisterous, generally managed, after the canny Scots manner, to be right as well, and generally had both the law and the interests of the colony on his side when it came to a contest, while Sir Edmund had a great talent for putting himself in the wrong. When at last it came to a breach between the two, therefore, as it did, Sir Edmund lost and Mr. Blair won. Sir Edmund was recalled to England, and Mr. Nicholson was named governor once more. It was a long time before Mr. Blair ceased to reign in Virginia. Mr. Nicholson became instrumental in removing the capital from Jamestown, which Mr. Bacon had burned, to Williamsburg, more wholesomely placed, ten miles back from the river. The college also had been placed there; and there Mr. Blair continued to preside as governors came and went.

For the *authorities* and *sources* for this period, see the references under Sections I. to V. and VII. to IX. of this chapter, so far as they cover the later years of the seventeenth century.

PART II
ORIGINAL DOCUMENTS
1638–1685

ORIGINAL DOCUMENTS

Fundamental Orders of Connecticut, 1638

This document, pronounced "the first written constitution known to history that created a government," should be considered in connection with the "Fundamental Articles of New Haven Colony," and "Articles of Confederation of the New England Colonies." Text from The Public Records of the Colony of Connecticut Prior to the Union with New Haven Colony, published in 1850, pp. 20–25. (See page 63; also page 155, Vol. I.[1])

Forasmuch as it hath pleased the Allmighty God by the wise disposition of his diuyne pruidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and vppon the River of Conectecotte and the Lands thereunto adioyneing; And well knowing where a people are gathered togather the word of God requires that to mayntayne the peace and vnion of such a people there should be an orderly and decent Gouerment established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conioyne our selues to be as one Publike State or Commonwelth; and doe, for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter, enter into Combination and Confederation togather, to mayntayne and presearue the liberty and purity of the gospell of our

[1] The final page references in the introductions are to allusions in the History which are explained and illustrated in these documents.

Lord Jesus which we now professe, as also the disciplyne of the Churches, which according to the truth of the said gospell is now practised amongst vs; As also in our



THE ADOPTION OF THE FUNDAMENTAL ORDERS OF CONNECTICUT
(From the Mural Decoration by Albert Herter, Supreme Court Room, State Library, Hartford)

Ciuell Affaires to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:—

1. It is Ordered, sentenced and decreed, that there shall be yerely two generall Assemblies or Courts, the first on the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen from tyme to tyme soe many Magestrats and

other publike Officers as shall be found requisitte: Whereof one to be chosen Gouernour for the yeare ensueing and vntill another be chosen, and noe other Magestrate to be chosen for more then one yeare; pruided allwayes there be sixe chosen besids the Gouernour; which being chosen and sworne according to an Oath recorded for that purpose shall haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God; which choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe cohabitte within this Jurisdiction, (hauing beene admitted Inhabitants by the maior part of the Towne wherein they liue,) or the mayor parte of such as shall be then present.

2. It is Ordered, sentenced and decreed, that the Election of the aforesaid Magestrats shall be on this manner; euery person present and quallified for choyse shall bring in (to the persons deputed to receaue them) one single paper with the name of him written in yt whom he desires to haue Gouernour, and he that hath the greatest number of papers shall be Gouernor for that yeare. And the rest of the Magestrats or publike Officers to be chosen in this manner: The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall seuerally nominate them distinctly, and euery one that would haue the person nominated to be chosen shall bring in one single paper written vppon, and he that would not haue him chosen shall bring in a blanke: and euery one that hath more written papers then blanks shall be a Magistrat for that yeare; which papers shall be receaued and told by one or more that shall be then chosen by the court and sworne to be faythfull therein; but in case there should not be sixe chosen as aforesaid, besids the Gouernor, out of those which are nominated, then he or they which haue the most written papers shall be a

Magestrate or Magestrats for the ensueing yeare, to make vp the foresaid number.

3. It is Ordered, sentenced and decreed, that the Secretary shall not nominate any person, nor shall any person be chosen newly into the Magestracy which was not propownded in some Generall Courte before, to be nominated the next Election; and to that end yt shall be lawfull for ech of the Townes aforesaid by their deputyes to nominate any two whom they conceaue fitte to be put to election; and the Courte may ad so many more as they iudge requisitt.



STATUE OF THE REV. THOMAS HOOKER, HARTFORD, CONNECTICUT

4. It is Ordered, sentenced and decreed that noe person be chosen Gouernor aboue once in two yeares, and that the Gouernor be always a member of some approved congregation, and formerly of the Magestracy within this Jurisdiction; and all the Magestrats Freemen of this Commonwelth: and that no Magestrate or other

publike officer shall execute any parte of his or their Office before they are seuerally sworne; which shall be done in the face of the Courte if they be present, and in case of absence by some deputed for that purpose.

5. It is Ordered, sentenced and decreed, that to the aforesaid Courte of Election the severall Townes shall send their deputyes, and when the Elections are ended they may proceed in any publike seruice as at other Courts. Also the other Generall Courte in September shall be for makeing of lawes, and any other publike occation, which conserns the good of the Commonwelth.

6. It is Ordered, sentenced and decreed, that the Gouernor shall, ether by himselfe or by the secretary, send out summons to the Constables of eur Towne for the cauleing of these two standing Courts, on month at lest before their seuerall tymes: And also if the Gouernor and the gretest parte of the Magestrats see cause vppon any spetiall occation to call a generall Courte, they may giue order to the secretary soe to doe within fowerteene dayes warneing; and if vrgent necessity so require, vppon a shorter notice, giueing sufficient grounds for yt to the deputyes when they meete, or els be questioned for the same; And if the Gouernor and Mayor parte of Magestrats shall ether neglect or refuse to call the two Generall standing Courts or ether of them, as also at other tymes when the occations of the Commonwelth require, the Freemen thereof, or the Mayor parte of them, shall petition to them soe to doe: if then yt be ether denyed or neglected the said Freemen or the Mayor parte of them shall haue power to giue order to the Constables of the seuerall Townes to doe the same, and so may meete togather, and chuse to themselues a Moderator, and may proceed to do any Acte of power, which any other Generall Courte may.

7. It is Ordered, sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts, the Constable or Constables of ech Towne shall

forthwith give notice distinctly to the inhabitants of the same, in some Publike Assembly or by goeing or sending from howse to howse, that at a place and tyme by him or them lymited and sett, they meet and assemble them selues togather to elect and chuse certen deputyes to be att the Generall Courte then following to agitate the afayres of the commonwelth; which said Deputyes shall be chosen by all that are admitted Inhabitants in the seuerall Townes and haue taken the oath of fidelity; prouided that non be chosen a Deputy for any Generall Courte which is not a Freeman of this Commonwelth.

The aforesaid deputyes shall be chosen in manner following: euery person that is present and quallified as before expressed, shall bring the names of such, written in seuerall papers, as they desire to haue chosen for that Imployment, and these 3 or 4, more or lesse, being the number agreed on to be chosen for that tyme, that haue greatest number of papers written for them shall be deputyes for that Courte; whose names shall be endorsed on the backe side of the warrant and returned into the Courte, with the Constable or Constables hand vnto the same.

8. It is Ordered, sentenced and decreed, that Wyndsor, Hartford and Wethersfield shall haue power, ech Towne, to send fower of their freemen as deputyes to euery Generall Courte; and whatsoeuer other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputyes as the Courte shall judge meete, a resonable proportion to the number of Freemen that are in the said Townes being to be attended therein; which deputyes shall have the power of the whole Towne to giue their voats and allowance to all such lawes and orders as may be for the publike good, and unto which the said Townes are to be bownd.

9. It is ordered and decreed, that the deputyes thus chosen shall haue power and liberty to appoynt a tyme and a place of meeting togather before any Generall

Courte to aduise and consult of all such things as may concerne the good of the publike, as also to examine their owne Elections, whether according to the order, and if they or the gretest parte of them find any election to be illegall they may seclud such for present from their meeting, and returne the same and their resons to the Courte; and if yt proue true, the Courte may fyne the party or partyes so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newe election in a legall way, either in parte or in whole. Also the said deputyes shall haue power to fyne any that shall be disorderly at their meetings, or for not coming in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be refused to be paid, and the tresurer to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gouernor and the greatest parte of Magestrats the Freemen themselves doe call, shall consist of the Gouernor, or some one chosen to moderate the Court, and 4 other Magestrats at lest, with the mayor parte of the deputyes of the seuerall Townes legally chosen; and in case the Freemen or mayor parte of them through neglect or refusall of the Gouernor and mayor parte of the magestrats, shall call a Courte, yt shall consist of the mayor parte of Freemen that are present or their deputyes, with a moderator chosen by them. In which said Generall Courts shall consist the supreme power of the commonwelth, and they only shall haue power to make laws or repeale them, to graunt leuyes, to admitt of Freemen, dispose of lands vndisposed of, to seuerall Townes or persons, and also shall haue power to call ether Courte or Magestrate or any other person whatsoeuer into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that

concerns the good of this common welth, excepte election of Magestrats, which shall be done by the whole boddy of Freemen.

In which Courte the Gouernour or Moderator shall haue power to order the Courte to giue liberty of speech, and silence vnceasonable and disorderly speakeings, to put all things to voate, and in case the vote be equall to haue the casting voice. But non of these Courts shall be adiorned or dissolued without the consent of the maior parte of the Court.

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occations of the common-welth haue agreed vppon any summe or sommes of mony to be leuyed vppon the seuerall Townes within this Jurisdiction, that a Committee be chosen to sett out and appoynt with shall be the proportion of euery Towne to pay of the said leuy, provided the Committees be made vp of an equall number out of each Towne.

14th January, 1638, the 11 Orders abouesaid are voted.

First Application for a Municipal Form of Government, 1649

Peter Stuyvesant, Dutch governor of New York, reached New Amsterdam on May 11, 1647, and was soon busy in establishing administrative reforms in deference to the popular will. Conspicuous among the changes desired was a new form of government, for which the people made the subjoined application to the home authorities. Text from "Documentary History of New York," Vol. I., 1849, pp. 595–98. (See page 32.)

To the Noble, High and Mighty Lords
the Lords States General of the United Netherlands,
our Most Illustrious Sovereigns

GRACIOUS LORDS,—This Province of New Netherland having been reduced, in the course of time to a very sad and utterly ruinous condition, in consequence, as we presume, of firstly, An unsuitable government; secondly, Scantiness of privileges and exemptions; thirdly, Heavy burthens of imposts, exactions and such like; fourthly, Long continued war; fifthly, The wreck of the Princess; sixthly, The multitude of Traders and fewness of Boors and farm servants; seventhly, Great scarcity in general; eightly and lastly, The insufferable arrogance of the Natives and Indians arising from the paucity of our numbers etc. and having long waited in vain, though we have petitioned and sought for aid redress and assistance from the Lords Directors, in the



VIEW OF NEW AMSTERDAM IN 1670

(From Montanus's "America")

highest degree necessary for them and for us; We, therefore, unable to delay any longer, being reduced to the lowest ebb, have determined to fly for refuge to their High Mightinesses, our gracious Sovereigns and the Fathers of this Province, most humbly praying and beseeching them to look with merciful eyes on this their Province and that their High Mightinesses, would be pleased to order and correct matters so that dangers may be removed, troubles terminated, and population and prosperity promoted, as their High Mightinesses in their renowned wisdom shall be determined, We, with humble reverence only deeming it good and necessary to petition their High Mightinesses for the following Points as of advantage for this Province:—

Firstly; We supplicate and beseech their High Mightinesses to people New Netherland so that it may support sustain and defend itself against Indians and others who might trouble and invade it; for if this should fail, that country will not only fall into the uttermost ruin, but also become easily appropriated by our Neighbors; and those who already dwell there will be forced to use all possible means to return and save themselves from misery, or to submit to foreign Nations. All which, according to our humble understanding, is to be remedied.

1st. When their High Mightinesses shall be pleased to take this Province under their own gracious safeguard, and to allow their Fatherly affection for this Land to be promulgated and made manifest, throughout the United Netherlands, by their own accorded privileges. Many would, then, be attracted towards this country, whilst, on the contrary every one is discouraged by the Company's harsh proceedings and want of means.

2nd. Were their High Mightinesses pleased to equip some ships for a few years, for the free conveyance and transportation of people principally Boors and farm servants with their poverty hither, together with some necessary maintenance until the poor people had obtained something *in esse*, their High Mightinesses would not only relieve many incumbered men, but also expect

from God, through their intercession, luck, blessing and prosperity.

3rd. If their High Mightinesses would please to order all vessels proceeding and trading toward these northern parts of America, to call first at the Manhattans in New Netherland, and bring with them as many persons as they can seasonably procure and conveniently carry, at suitably fixed rates, many proprietors



VIEW OF NEW AMSTERDAM
(From Peter Schenk's "Hecatompolis," 1702)

would, no doubt, emigrate within a short time to New Netherland.

Secondly, We humbly solicit permanent privileges and exemptions which promote population and prosperity & which in our opinion consist in

1st. Suitable BURGHER Government, such as their High Mightinesses shall consider adapted to this Province and resembling somewhat the Laudable government of our Fatherland.

2nd. Freedom from duties, tenths and imposts which at the first beginning are useless and oppressive, until the country is peopled and somewhat firmly established.

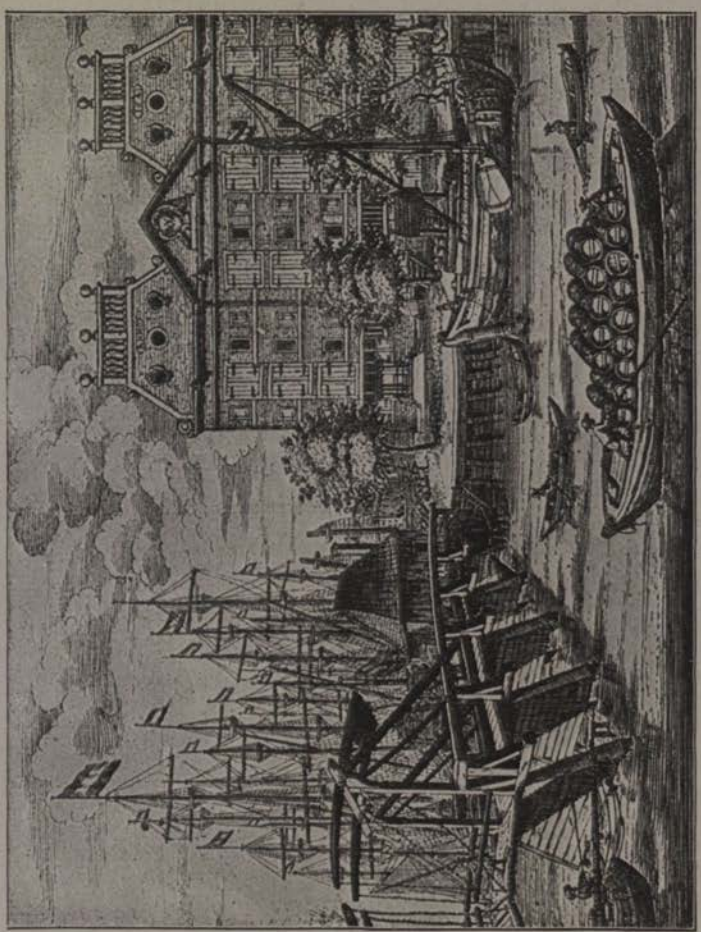
3rd. That the Returns in Tobacco shipped hence, be free from all duties, which would not only afford great encouragement to the planters who convert the forest into farms but be better also for their servants who could thus be accommodated with all sorts of necessaries.

4th. Also, permission to export, sell, & barter grain, timber work, and all other wares and merchandize the produce of the country every way and every where their High Mightinesses have allies and have granted to the Netherlanders the privileges of resort and trade.

5th. That their High Mightinesses would be pleased to accord privileges and freedom for the encouragement of the Inhabitants in favor of the fisheries, which many suppose were good and profitable heretofore, and would hereafter be of great consequence.

Thirdly, We humbly beseech their High Mightinesses to be pleased to determine and so to establish and order the Boundaries of this Province, that all causes of difference, disunion and trouble may be cut off and prevented; that their High Mightinesses subjects may live and dwell in peace and quietness, and enjoy their liberty as well in trade and commerce as in intercourse and settled limits. 2d. That their High Mightinesses would be pleased to preserve us in peace with the neighboring Republicks, Colonies and others their High Mightinesses allies, so that we may pursue without let or hindrance, under proper regulations from their High Mightinesses, the trade of our country as well along the coast from Terra Nova to Cape Florida as to the West Indies and to Europe whenever our Lord GOD shall be pleased to permit; and 3d. to make manifest to the incredulous their High Mightinesses earnest support of this Province, we respectfully request that their H. M. would be pleased to quarter here a company or two of soldiers, for the defence of those residing at a distance and the establishment of New Plantations and Colonies, until by

our progress, we shall dread neither Indians or other enemies, but even shall be able to prevent their mischievous designs.



THE WEST INDIA COMPANY'S WAREHOUSE AS SEEN FROM THE OUDE SCHANS, AMSTERDAM
(Used as the company's meeting-place in the years 1647–74)

All this have we concluded with humble reverence to propose according to our limited knowledge and understanding, earnestly supplicating their High Mightinesses, for the love of New Netherland which now lies at its

extremity, as is to be seen at length in our annexed Remonstrance, to be pleased to direct their attention thereto according to their wise and provident council, and to interpret most favorably this our presumption.

We pray and hope that the name of New Netherland and the conversion of the Heathen which ought to be hastened, shall move their H. M. hereunto. Expecting, therefore, a happy deliverance we commend their H. M's persons and deliberations to the protection of the Almighty, and remain their H. M.'s humble and obedient servants. Written in the name and on the behalf of the Commonalty of New Netherland, the Six and Twentieth of July, in the Year of Our Lord JESUS CHRIST, One thousand, Six hundred, Nine & Forty, in New Amsterdam on the Island Manhattans in New Netherland.

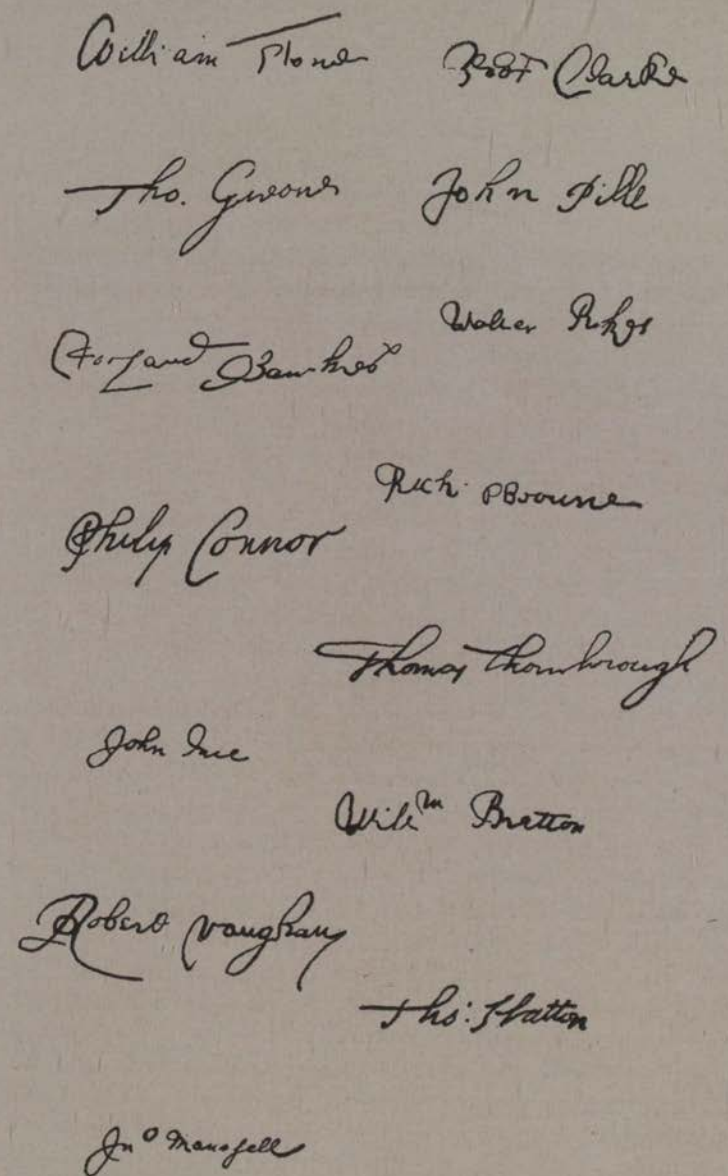
(Signed,)

ADRIAN VAN DER DONCK,
AUGUSTIN HERMAN,
ARNOLDUS VAN HARDENBERCH,
JACOB VAN COUWENHOVEN,
GOVERT LOOCKERMANS,
OLOFF STEVENS,
MICHIEL JANSEN,
THOMAS HALL,
ELBERT ELBERTZEN,
JAN EVERTSEN BOUT,
HENDRICK HENDRICKSEN KIP.

Protest Against Lord Baltimore's Oath Proclamation, 1653

"Petition of the Commissioners and Inhabitants of Severne, *alias* Ann Arundel County (Maryland) to the Honourable Richard Bennet, and Col. William Claibourn, Esquires, Commissioners of the Common-wealth of *England*, for *Virginia* and *Maryland*." From Peter Force's "Tracts and Other Papers Relating to the Origin, Settlement, and Progress of the Colonies in North America," Vol. II., Washington, 1838. (See page 41.)

That whereas we were invited and encouraged by Captain *Stone*, the Lord *Baltamore's* Governor of *Maryland*, to remove ourselves and Estates into this Province, with promise of enjoying the liberty of our Consciences in matter of Religion, and all other priviledges of English Subjects; And your Petitioners did upon this ground, with great cost, labor, and danger, remove ourselves; and have been at great charges in building and clearing; Now the Lord *Baltamore* imposeth an Oath upon us, by Proclamation, which he requireth his Lieutenant forthwith to publish; which if we do not take within three months after publication, all our Lands are to be seized for his Lordships use. This Oath we conceive not agreeable to the terms on which we came hither, nor to the liberty of our Consciences as Christians and free Subjects of the Common-wealth of *England:* Neither can we be perswaded in our Consciences by any light of God, or engagement upon us,



AUTOGRAPHS OF THOSE WHO PASSED THE MARYLAND RELIGIOUS TOLERATION ACT OF 1649

(From "Side Lights on Maryland History," by Hester Dorsey Richardson, with consent of the author)

to take such an Oath; but rather humbly conceive it to be a real grievance, and such an oppression as we are not able to bear; neither do we see by what lawful power such an Oath, with such extreme penalties can by his Lordship be exacted of us who are free Subjects of the Common-wealth of *England*, and have taken the Engagement to them. We have Complained of this grievance to the late honorable Councel of State in a Petition subscribed by us, which never received any answer, such as might clear the lawfulness of such his proceedings with us: but an aspersion cast upon us of being Factious fellows; neither have we received any Conviction of our error in not taking the said Oath, nor Order by that power, before whom our Petition is still pending, to take it hereafter; neither can we believe that the Common-wealth of *England* will ever expose us to such a manifest, and real bondage (who assert themselves, The maintainers of the lawful Liberties of the Subject) as to make us Swear absolute subjection to a Government, where the Ministers of State are bound by Oath to countenance and defend the Roman Popish Religion, which we apprehand to be contrary to the Fundamental laws of England, the Covenant taken in the three Kingdoms, and the Consciences of true English Subjects: and doth carry on an arbitrary power, so as whatever is done by the people, at great costs in Assemblies, for the good of the people, is liable to be made Null by the negative Voice of his Lordship; But affirmative Propositions and Commands are incessantly urged, and prest, and must not be denied.

In Consideration whereof, we humbly tender our Condition and Distraction, upon this occasion falling upon the hearts of all the people, to your view and Consideration, intreating your honors to relieve us according to the Cause and the power wherewith you are intrusted by the Common-wealth of *England:* the rather, because upon such an exigent as this, we have none to

Virginia and *Maryland*.

OR,

The Lord *Baltamore*'s printed CASE,

uncaſed and anſwered.

Shewing, the illegality of his Patent and uſurpation of Royal Juriſdiction and Dominion there.

With,

The Injuſtice and Tyranny practiſed in the Government, againſt the Laws and Liberties of the Engliſh Nation, and the juſt Right and Intereſt of the Adventurers and Planters.

Alſo,

A ſhort RELATION of the Papiſts late Rebellion againſt the Government of his Highneſs the Lord Protector, to which they were reduced by the Parliaments Commiſſioners; but ſince revolting, and by Lord *Baltamore*'s inſtructions cauſed to aſſault the Proteſtants there in their Plantations, were by a far leſſer number repulſed, ſome ſlain, and all the reſt taken Priſoners.

To which is added,

A brief Account of the Commiſſioners proceedings in the reducing of *Maryland*; with the Grounds and Reaſon thereof; the Commiſſion and Inſtructions by which they acted; the Report of the Committee of the Navy, concerning that Province; and ſome other Papers and Paſſages relating thereunto: together with the Copy of a Writing under the Lord *Baltamore*'s Hand and Seal, 1644. diſcovering his Practices, with the King at *Oxford* againſt the Parliament, concerning the *Londoners* and others trading in *Virginia*.

For the oppreſſion of the poor, for the ſighing of the needy, now will I ariſe, ſaith the Lord, I will ſet him in ſafety, from him that puffeth at him, Pſal. 12. 5.

London, printed, and are to be ſold at the Crown in Popes-head-Ally, and in *Weſtminſter-Hall*, 1655.

TITLE-PAGE OF "VIRGINIA AND MARYLAND"

flie to but your selves the honorable Commissioners of the Common-wealth of *England;* not doubting but God will direct you into what his mind and will is in this matter concerning us, and that you will faithfully apply your selves to our Redress in what is Just, and our lawful Liberty; which is the Prayer of your poor Petitioners.

Severn River, the 3 of January, 1653.

Subscribed by *Edw. Lloyd*, and 77. persons of the House-keepers, and Freemen, Inhabitants.

Virginia and Maryland Controversy Over Lord Baltimore, 1653–54

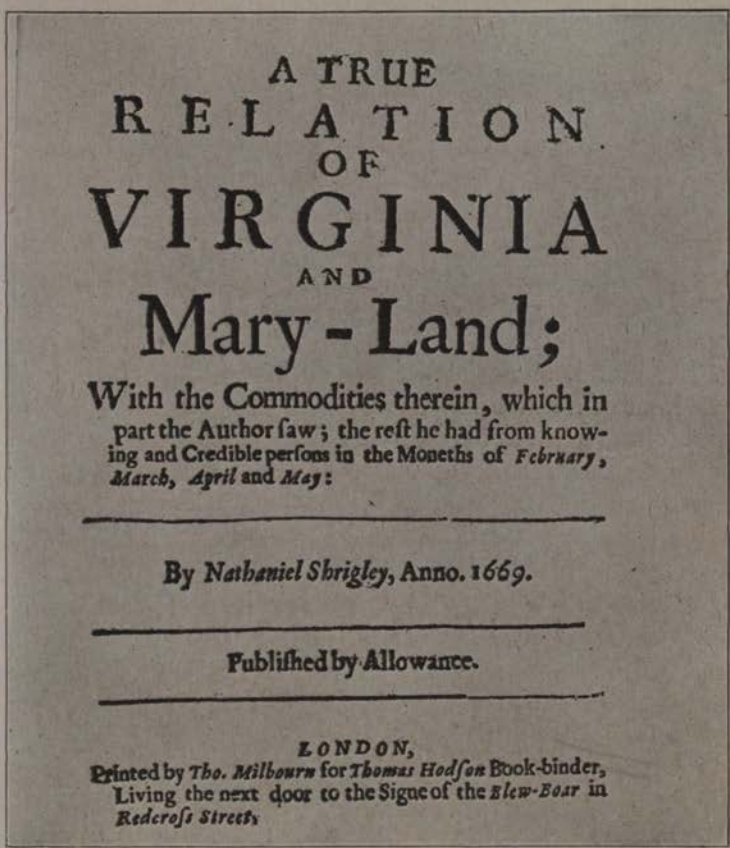
From "Virginia and Maryland, or The Lord Baltamore's printed Case, uncased, and answered." From Peter Force's "Tracts and Other Papers Relating to the Origin, Settlement, and Progress of the Colonies in North America," Vol. II., Washington, 1838. (See page 18.)

In the yeer 1607, divers preceding discoveries having confirmed an Opinion, That the Country of *Virginia* was fit for Plantation; It pleased God to affect the mindes of very many worthily disposed Noblemen, Gentlemen, and others to conceive it as a matter of great Religion and Honour, to undertake the work of perfecting a Christian Plantation in those parts. Whereupon King *James* was pleased to become the first Founder of this noble work, and by his Letters Patents from time to time renewed and enlarged, granted all ample Priviledges and Immunities, both to those that managed in *England*, and those that went to inhabit there: which gave so great an encouragement, that fifty Earls and Barons, three hundred and fifty Knights, and six hundred Gentlemen, and Merchants of primest rank became incorporated, and were originally named in the Letters Patents by the name of the Company of Virginia, being a greater union of Nobles and Commons, than ever concurred to such an undertaking. But nevertheless, partly by the natural difficulties incident to all new Plantations; but chiefly, through the unnatural and

faulty impediments arising by the cross agitations of two powerful factions in the Company, the work went heavily on for the first twelve yeers, appearing desperate in the several ill successes thereof. And though afterward somewhat advanced and prosperous, yet in the year 1621. by the fatal blow of a Massacre, it was almost shattered to pieces, and brought to a very low and calamitous condition; which occasion the contrary faction presently took hold of, insomuch that they exceedingly slighted the action, and cared not to cast aspersions on the Country, and on the whole management of that affair. And then further strongly possessed and advised the then King, against the form of the Companies Government, as consisting of an excessive number of Councellours, and a confused Popularity, as being a Nurse of Parliamentary spirits, and obnoxious to Monarchical Government. Thereupon Order was made upon the eighth day of *October*, 1623, at the Council-Table, whereby the Company were moved to give in their assents for surrendering their Intent, and altering their form of Government, and a new one proposed, wherein the Interests and Rights of all men should be preserved: which Order the Company not submitting unto, A *Quo Warranto* was directed for the calling in their Patent, and an advantage taken upon their mispleading. The Patent was condemned in *Trinity*-Term following; but for many years after, not vacated upon the Record in the Office of the *Rolls*, whereby some that sought the overthrow of the Lord *Baltamore's* Patent for *Maryland*, in the beginning of the Parliament, 1640. took out the *Virginia* Patent again under the broad Seal of *England:* therefore thought by primest Lawyers now to be unquestionably in force, at least to point of interest; and that Patent of *Maryland* unconsistent and void.

Thus in brief was the late Company dissolved, and a Commission given to divers Lords and others, for pres-

ent directing and ordering the affairs of *Virginia;* and that they should advise touching a better form of Government for advancing and establishing the Colony. Then issued also severall Proclamations, and several



A TRUE
RELATION
OF
VIRGINIA
AND
Mary-Land;

With the Commodities therein, which in part the Author ſaw; the reſt he had from knowing and Credible perſons in the Moneths of *February, March, April* and *May*:

By *Nathaniel Shrigley*, Anno. 1669.

Publiſhed by Allowance.

LONDON,
Printed by *Tho. Milbourn* for *Thomas Hodſon* Book-binder, Living the next door to the Signe of the *Blew-Boar* in *Redcroſs Street*.

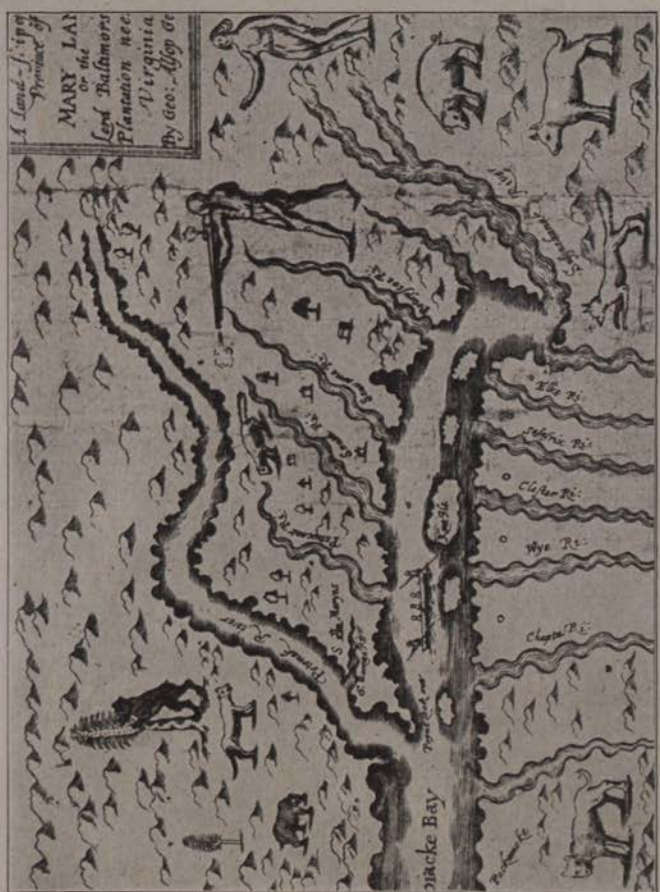
TITLE-PAGE OF "A TRUE RELATION OF VIRGINIA AND MARY-LAND," 1669

Orders from the Council-Table, with great assurances under the Broad Seal and privy Seal, that all men, with the Adventurers and Planters should be assure, that

their Rights and Interests should be conserved and enlarged, onely alteration in point of Government. But both that Commission and renewing of the Companies Charter expired, and all those Proceedings were delayed, by reason of the death of King *James*, which then suddenly ensued. The principal scope of that Commission was, that they should finde a better form of Government for the Countreys advancement, and therein was especially promised the conservation of every man's rights; intentions worthy the wisdom and justice of so great a Prince. But nothing was done by those Commissioners touching either of those ends, nor by those by whose prosecutions these things hapened, who having attained their private ends of spleen and profit upon the changes and revolutions of ensuing times deserted the interest of the Colony, and left her weltering in her blood, unsupplied with Ammunition and Arms in the heat of a difficult war with the Indians: the burthen and charge whereof was onely undergone by the remaining Planters, who thus forsaken by their former friends, were constrained both to work and fight for their lives and subsistence; and thereby preserved the Colony from desertion, and at last restored it by the blessing of God to peace and plenty.

And then, about the yeer 1633, Lord *Baltamore* pretending, though not truely, the greatest part of the Country was unplanted, procured that the aforesaid judgement so long delayed, was entred, and obtained a Patent, for that part now called *Maryland*, which he hath since held with a few people and small Adventurers, debarring of those to whom it belonged from planting of it; destroying and ruinating these formerly seated under *Virginia*, at the Isle of *Kent;* and interdicting Trade with the Indians for Furs, discovered and begun by the Virginians, by direction and commission from the King; which since by this means is enjoyed by the Dutch and Swedes, with the profit of many thousand

pounds yeerly; which Trade had been solely in the English Nations hands, had not the Lord *Baltamore* interdicted it, and seized all Vessels, and displanted their



MAP OF MARYLAND, 1666
(From Alsop's "Character of Maryland")

Plantations. And those Swedes and Dutch do trade for great quantities of Guns Powder and Shot with our Indians, to the total endangering this Colony, if not timely prevented. Such a ground-Work, had the Patent of *Maryland* upon the Rights and Labours of

others; and as unreasonable and unjust have been the whole proceedings and management of their Colony and Interests, at their first arrival surprising and confiscating many Vessels with the Goods of divers that they found trading with the Natives under the commissions of *Virginia*, which they had enjoyed neer thirty yeers. And professing an establishment of the Romish Religion onely, they suppressed the poor Protestants among them, and carried on the whold frame of their Government in the Lord Proprietaries name; all their Proceedings, Judicature, Tryals, and Warrants, in his name, Power and Dignity, and from him onely: not the least mention of the Soveraign Authority of *England* in all their Government; to that purpose, forceably imposing Oaths, (judged illegal in a Report made by a Committee of the Council of State, 1652.) to maintain his royal Jurisdictions, Prerogatives, and Dominions, as absolute Lord and Proprietary, to protect chiefly the Roman Catholick Religion in the free exercise thereof; and all done by yeerly Instructions from him out of *England*, as if he had been absolute Prince and King. By all which it is easily evident, that the Patent of *Maryland* was grounded upon no good foundation.

The King being mis-informed; when in nothing more deeply and directly, could the Honour and Justice of his Throne be concerned, then in confirming and conserving the Interest of so great a conjuncture of Nobles, Knights, Gentlemen and Merchants, who so piously and worthyly adventured their Moneys, and expended their Estates and Labours; whose Rights and Interests, though their Patent were called in, for the time, in point of Government, yet had received the most solemn Declarations and Assurances, under the Broad Seal and Privy Signet, Orders of Councels, Letters to the Colony, and by general Proclamations there and here.

That it were impious to think that either the then King or King *James* being rightly enformed, would ever

have granted such a Patent as this of *Maryland*, it being neer two third parts of the better Territory of *Virginia;* and as no way consistent with Equity, and the Honor and publick Faith of the Kingdom: so was no way agreeable (in the absolute and regal power assumed and executed by him) to the late Monarchical Government, or to the present Authority of the Commonwealth of *England*, under his Highness the Lord Protector, and most injurious to the Rights and Interests of the noble Adventurers and the painful indefatigable Planters, who had so long under God, conserved the Country from total ruine.

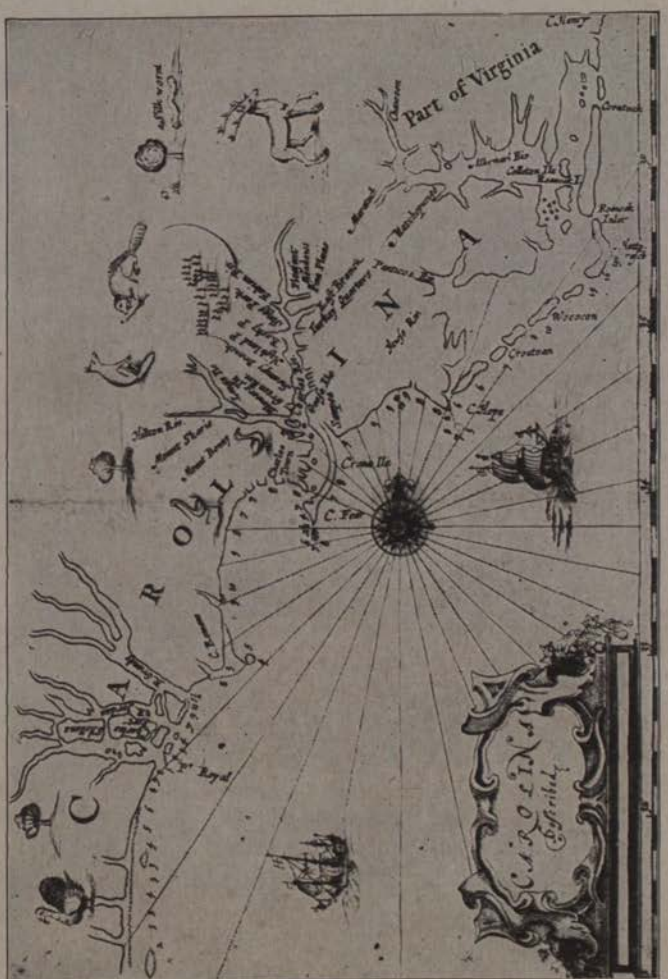
Charter and Naming of Carolina, 1663

On March 24, 1663, King Charles II. created the province of Carolina by conveying to eight lords proprietors the territory between 36° and 31° N. latitude, and in 1665 enlarged the grant to 36° 30′ and 29° N. latitude. The following extracts are from the first charter. Text from "American Charters, Constitutions, and Organic Laws" (1909, Vol. V., pp. 2743–50). (See page 77.)

CHARLES the Second, by the grace of God, king of England, Scotland, France, and Ireland, Defender of the Faith, &c., To all to whom these present shall come: greeting:

1st. Whereas our right trusty, and right well beloved cousins and counsellors, Edward Earl of Clarendon, our high chancellor of England, and George Duke of Albemarle, master of our horse and captain general of all our forces, our right trusty and well beloved William Lord Craven, John Lord Berkeley, our right trusty and well beloved counsellor, Anthony Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice chamberlain of our household, and our trusty and well beloved Sir William Berkley, knight, and Sir John Colleton, knight and baronet, being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominions, have humbly besought leave of us, by their industry and charge, to transport and make an ample colony of our subjects, natives of our kingdom of Eng-

land, and elsewhere within our dominions, unto a certain country hereafter described, in the parts of America



MAP OF CAROLINA
(From "A Brief Description of Carolina")

not yet cultivated or planted, and only inhabited by some barbarous people, who have no knowledge of Almighty God.

2d. And whereas the said . . . have humbly besought us to give, grant, and confirm unto them and their heirs, the said country, with privileges and jurisdictions requisite for the good government and safety thereof: Know ye, therefore, that we, favouring the pious and noble purpose of the said . . . of our special grace, certain knowledge and meer motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm unto the said . . . their heirs and assigns, all that territory or tract of ground, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid. . . .

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and priviledges as any other part of our dominions and territories in that region, Know ye, that we of our further grace. certain knowledge, and meer motion, have

thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; . . .

17th. And our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said . . . their heirs and assigns, and to all the tenants and inhabitants of the said province of Carolina, both present and to come, and to every of them, that the said province and the tenants and inhabitants thereof, shall not from henceforth be held or reputed a member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in anything, but be absolutely separated and divided from the same; and our pleasure is, by these presents, that they be separated, and that they be subject immediately to our crown of England, as depending thereof forever; and that the inhabitants of the said Province, nor any of them, shall at any time hereafter be compelled or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the Province aforesaid, in any other of our islands, colonies, or dominions in America or elsewhere, other than in our realm of England, and dominion of Wales.

Charter of Rhode Island and Providence Plantations, 1663

This charter was issued after the settlement by arbitration of a territorial controversy between Massachusetts, Connecticut, and Rhode Island, in favor of the latter. From text in "Rhode Island Colonial Records," Vol. II., pp. 3–21. (See also "Patent of Providence Plantation, 1643.") (See page 64.)

Charles the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, etc., to all to whom these presents shall come, greeting: Whereas, we have been informed, by the humble petition of our trusty and well-beloved subject, John Clarke, on the behalf of Benjamin Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island, called Rhode Island, and the rest of the colony of Providence Plantations, in the Narragansett Bay, in New England, in America, that they, pursuing, with peaceable and loyal minds, their sober, serious, and religious intentions, of godly edifying themselves, and one another, in the holy Christian faith and worship, as they were persuaded; together with the

A DEMONSTRATION OF TRUE LOVE UNTO

You the Rulers of the Colony of the

Maſſachuſets IN NEVV-ENGLAND;

Shewing

To you that are now in Authority the unjuſt Paths that your Predeceſſors walked in, and of the Lord's Dealings with them in his ſevere Judgments, for perſecuting his Saints and Children.

Which may be a Warning unto you, that you walk not in the ſame Steps, leſt you come under the ſame Condemnation.

Written by one who was once in Authority with them; but always teſtified againſt their perſecuting Spirit, who am call'd

William Coddington *of* Road-Iſland.

Printed in the Year 1674.

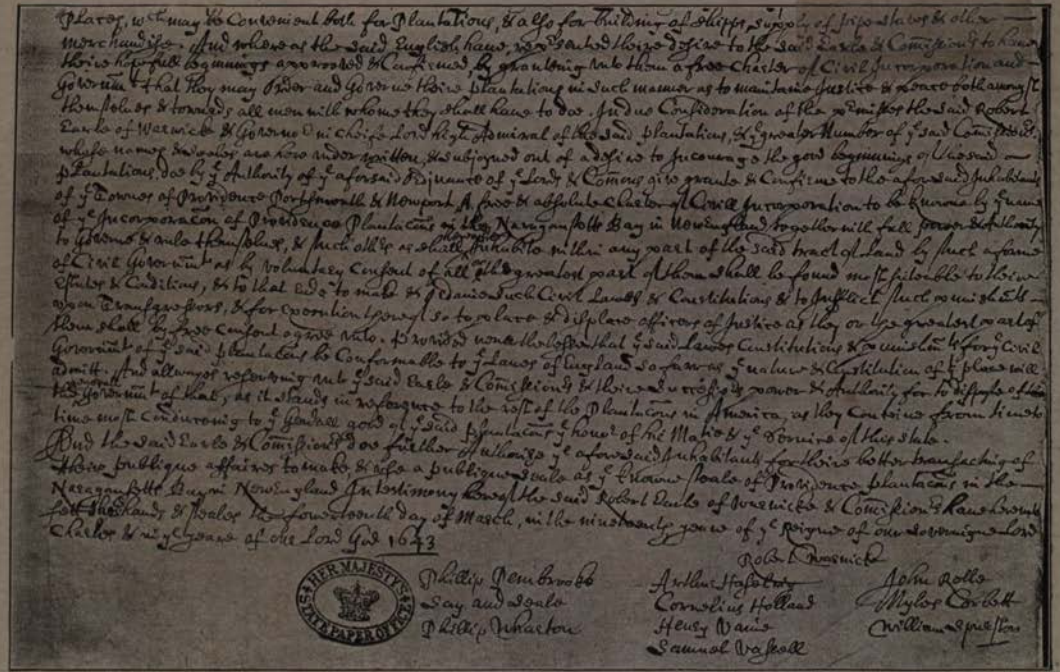
TITLE-PAGE OF "A DEMONSTRATION OF TRUE LOVE IN NEW-ENGLAND"

gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England into America, but also, since their arrival there, after their first settlement amongst other our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon some of those our subjects not being able to bear, in these remote parts, their different apprehensions in religious concernments, and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travel, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whom the Plantations have taken their name, upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed by purchase and consent of the said natives, to their full content of such lands, islands, rivers, harbors and roads, as are very convenient, both for plantations, and also for building of ships, supply of pipe-staves, and other merchandize; and which lie very commodious, in many respects, for commerce, and to accommodate our southern plantations,and may much advance the trade of this our realm,and greatly enlarge the territories thereof; they having, by near neighborhood to and friendly society with the great body of the Narragansett Indians, given them encouragement, of their own accord, to subject themselves, their people and lands, unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors be laid a sure foundation of happiness to all America: And whereas, in their humble address, they have freely declared, that

it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil State may stand and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now, know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that liberty, in the true Christian faith and worship of God which they have sought with so much travail, and with peaceable minds, and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will (as we hope) be no breach of the unity and uniformity established in this nation: Have therefore thought fit, and do hereby publish, grant, ordain and declare, That our royal will and pleasure is, that no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not

A Coppie of Providence Charter

Whereas by the Ordinance of the Lords and Comons now Assembled in Parliament bearing the 2d day of November Anno Dom 1643 Robert Earle of Warwicke, is Constituted and Ordained Governour in Chiefe and Lord high Admirall of all those Islands and other Plantations inhabited and Planted by or belonging to any his Mats the King of Englands Subjects, or which hereafter may be inhabited and Planted by or belonging to them, within the bounds or upon the Coasts of America And whereas the said Lords have thought fitt and Hereby Ordained that Phillip Earle of Pembrooke Edward Earle of Manchester William Viscount Say and Seale Phillip Lord Wharton, John Lord Robartes members of the house of Peares Sr Gilbert Gerrard Sr Arthur Hasilrig Baronets Sr Henry Vane Junr Knight, Sr Benjamin Rudyard Knight John Pym Oliver Cromwell Denis Bond Miles Corbet Esqrs members of the house of Comons shall be Commissioners and to joyne in aide, & assistance with the said Earle, And whereas for the better Government & Defence of the said Plantations, it is hereby Ordained that the aforesaid Governour & Comissioners or the greatest number of them shall have power & authority from time to time to Nominate & appoint & Constitute, all such subordinate Governours & Councells & Comanders officers, & Agents as they shall judge to be best affected & most fitt & formidable for the said Islands and Plantations, & to provide for Ordr & dispose all things wch they shall from time to time finde most fitt & advantagious for the said Plantations, unto the Lawes Customes of this Nation, & like subordinate Power to Alter & Change as much of their foresaid Authority & power as shall be thought fitt for the better Governing & ordering of the said Plantations & Islands from open violence & private Spoyle & Injuries. And whereas there is a tract of Land, in the Continent of America aforesaid Bounded by the name of Nasaganset Bay & ordering North & North East on the Patent of Massachusetts East, & South East on Plymouth Patent South on the Ocean & on the West & North West Inhabited by Indians Called Nahigganzuks alias Nasaganzets the whole tract containing about twenty fifty English Miles unto Pequot river & Country: And whereas Divers well affected & industrious English Inhabitants of the Towne of Providence Portsmouth, & Newport in the tract aforesaid, have addressed to make a more weighty Body & Society, with that generall body of the Nasaganzets wch may in time by y^e blessing of God upon their endeavors & Lay a sure foundation of hope unto all America, & have purchased & are purchasing & mean to Settle Inhabit & Improve



REDUCED FACSIMILE OF THE "CHARTER OF PROVIDENCE PLANTATIONS" OF 1643

using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others, any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise, notwithstanding. And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the Christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare, That they shall have and enjoy the benefit of our late act of indemnity and free pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And accordingly our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared, and by these presents for us, our heirs and successors, do ordain, constitute and declare, That they, the said William Brenton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, —— Rainsborrow, —— Williams, and John Nickson and all such others as now are, or hereafter shall be, admitted and made free of the company and society of our colony of Providence Plantations, in the Narragansett Bay, in New England, shall be, from time to time, and forever hereafter, a body corporate and politic, in fact and name, by the name of the Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in New England, in America; and that, by the same name, they and their successors shall and may have perpetual succession, and

shall and may in all and singular suits, causes, quarrels, matters, actions and things, of what kind or nature soever; and also to have, take, possess, acquire, and be persons able and capable, in the law, to sue and be sued, to plead and be impleaded, to answer, and be answered unto, to defend and to be defended, purchase lands, tenements or hereditaments, or any goods or chattels, and the same to lease, grant, demise, aliene, bargain, sell and dispose of, at their own will and pleasure, as other our liege people of this our realm of England, or any corporation or body politic, within the same, may lawfully do. And further, that they the said Governor and Company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes, things and affairs, whatsoever, of them, and their successors; and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit. And further, we will and ordain, and by these presents, for us, our heirs, and successors, do declare and appoint that, for the better ordering and managing of the affairs and business of the said Company, and their successors, there shall be one Governor, one Deputy-Governor and ten Assistants, to be from time to time, constituted, elected and chosen, out of the freemen of the said Company, for the time being, in such manner and form as is hereafter in these presents expressed, which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands, and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there. And, for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute, and appoint the aforesaid Benedict Arnold to be the first and present Governor of the said Company, and the said William Brenton to be the Deputy-Governor, and the said Will-



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THE CORWIN-CURWIN HOUSE, OTHERWISE KNOWN AS "THE WITCH HOUSE," SALEM, MASS., REPUTED TO HAVE BEEN BUILT BY ROGER WILLIAMS ABOUT 1634

(See note in list of illustrations.)

iam Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the ten present Assistants of the said Company, to continue in the said several offices, respectively, until the first Wednesday which shall be in the month of May now next coming. And further, we will, and by these presents, for us, our heirs and successors, do ordain and grant that the Governor of the said Company, for the time being, or, in his absence, by occasion of sickness, or otherwise, by his leave and permission, the Deputy-Governor, for the time being, shall and may, from time to time, upon all occasions, give order for the assembling of the said Company, and calling them together, to consult and advise of the business and affairs of the said Company. And that forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October or oftener, in case it shall be requisite, the Assistants and such of the freemen of the said Company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth and Warwick, and two persons for each other place, town or city, who shall be, from time to time, thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said Company and Plantations. And, further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said Governor and Company of the English colony of Rhode-Island and Providence Plantations, in New England, in America, and their successors, that the Governor, or, in his absence, or, by his permission, the Deputy-Governor of the said Company, for the time being, the Assistants, and such of the freemen of the said Com-

pany as shall be so as aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the General Assembly; and that they, or the greatest part of them present, whereof the Governor or Deputy-Governor, and six of the Assistants, at least to be seven, shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter and change such days, times and places of meeting and General Assembly, as they shall think fit; and to choose, nominate and appoint, such and so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and body politic, and them into the same to admit; and to elect and constitute such offices and officers, and to grant such needful commissions, as they shall think fit and requisite, for the ordering, managing and dispatching of the affairs of the said Governor and Company, and their successors, and from time to time, to make, ordain, constitute or repeal, such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy, as to them shall seem meet, for the good and welfare of the said Company, and for the government and ordering of the lands and hereditaments hereinafter mentioned to be granted, and of the people that do, or at any time hereafter shall, inhabit or be within the same; so as such laws, ordinances and constitutions, so made, be not contrary and repugnant unto, but as near as may be, agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there; and also to appoint, order and direct, erect and settle, such places and courts of jurisdiction, for the hearing and determining of all actions, cases, matters and things, happening within the said colony and plantation, and which shall be in dispute, and depending there, as they shall think fit; and also to distinguish and set forth the several names and titles, du-

ties, powers and limits, of each court, office and officer, superior and inferior; and also to contrive and appoint such forms of oaths and attestations, not repugnant, but as near as may be agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite,



REDUCED FACSIMILE OF FIRST PAGE OF THE ORIGINAL CHARTER OF RHODE ISLAND, 1663

with respect to the due administration of justice, and due execution and discharge of all offices and places of trust by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe,

limit and distinguish the numbers and bounds of all places, towns or cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, who have, or shall have, the power of electing and sending of freemen to the said General Assembly; and also to order, direct and authorize the imposing of lawful and reasonable fines, mulcts, imprisonments, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this our kingdom of England; and again to alter, revoke, annul or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments and condemnations, as shall be thought fit; and to direct rule, order and dispose of, all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people and inhabitants in the said Plantation, may be so religiously, peaceably and civilly governed, as that by their good life and orderly conversation, they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding and requiring, and by these presents, for us, our heirs and successors, ordaining and appointing, that all such laws, statutes, orders and ordinances, instructions, impositions and directions, as shall be so made by the Governor, Deputy-Governor, Assistants and freemen, or such number of them as aforesaid, and published in writing, under their common seal shall be carefully and duly observed, kept, performed and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate or exemplification thereof, shall be to all and every such officer, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions and directions, in due execution, against us, our heirs and successors, a

sufficient warrant and discharge. And further, our will and pleasure is, and we do hereby, for us, our heirs and successors, establish and ordain, that, yearly, once in the year, forever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere, if urgent occasion do require, the Governor, Deputy-Governor and Assistants of the said Company, and other officers of the said Company, or such of them as the General Assembly shall think fit, shall be, in the said General Court or Assembly to be held from that day or time, newly chosen for the year ensuing, by such greater part of the said Company, for the time being, as shall be then and there present; and if it shall happen that the present Governor, Deputy-Governor and Assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their rooms, or any of them, or any other the officers of the said Company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare, for any misdemeanor or default, to be removable by the Governor, Assistants and Company, or such greater part of them, in any of the said public courts, to be assembled as aforesaid,) that then and in every such case, it shall and may be lawful to and for the said Governor, Deputy Governor, Assistants and Company aforesaid, or such greater part of them, so to be assembled as is aforesaid, in any their assemblies, to proceed to a new election of one or more of their Company, in the room or place, rooms or places, of such officer or officers, so dying or removed, according to their discretions; and immediately upon and after such election or elections made of such Governor, Deputy-Governor, Assistant or Assistants, or any other officer of the said Company, in manner and form aforesaid, the authority, office and power, before given to the former Governor, Deputy-Governor, and other officer and officers, so removed, in whose stead and place new

shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine: *Provided always*, and our will and pleasure is, that as well such as are by these presents appointed to be the present Governor, Deputy-Governor and Assistants of the said Company, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking, the execution of the said offices and places respectively, give their solemn engagement, by oath or otherwise, for the due and faithful performance of their duties in their several offices and places, before such person or persons as are by these presents hereafter appointed to take and receive the same, that is to say: the said Benedict Arnold, who is hereinbefore nominated and appointed the present Governor of the said Company, shall give the aforesaid engagement before William Brenton, or any two of the said Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Brenton, who is hereby before nominated and appointed the present Deputy-Governor of the said Company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, who are herein before nominated and appointed the present Assistants of the said Company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them; to whom respectively we do hereby give full power and authority to require, administer or receive the same: and further, our will and pleasure is, that all and every other future Governor or Deputy-Governor,

to be elected and chosen by virtue of these presents, shall give the said engagement before two or more of the said Assistants of the said Company for the time being; unto whom we do by these presents give full power and authority to require, administer or receive the same; and the said Assistants, and every of them, and all and every other officer or officers to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements, to their offices and places respectively belonging, before the Governor or Deputy-Governor for the time being; unto which said Governor, or Deputy-Governor, we do by these presents give full power and authority to require, administer or receive the same accordingly. And we do likewise, for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors, by these presents, that, for the more peaceable and orderly government of the said Plantations, it shall and may be lawful for the Governor, Deputy-Governor, Assistants, and all other officers and ministers of the said Company, in the administration of justice, and exercise of government, in the said Plantations, to use, exercise, and put in execution, such methods, rules, orders and directions, not being contrary or repugnant to the laws and statutes of this our realm, as have been heretofore given, used and accustomed, in such cases respectively, to be put in practice, until at the next or some other General Assembly, special provision shall be made and ordained in the cases aforesaid. And we do further, for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors, by these presents, that it shall and may be lawful to and for the said Governor, or, in his absence, the Deputy-Governor, and major part of the said Assistants, for the time being, at any time when the said General Assembly is not sitting, to nominate, appoint and constitute, such and so many commanders, governors



STATUE OF ROGER WILLIAMS AT PROVIDENCE, R. I.

and military officers, as to them shall seem requisite, for the leading, conducting and training up the inhabitants of the said Plantations in martial affairs, and for the defence and safeguard of the said Plantations: and that it shall and may be lawful to and for all and every such commander, governor and military officer, that shall be so as aforesaid, or by the Governor, or in his absence, the Deputy-Governor, and six of the said Assistants, and major part of the freemen of the said Company present at any General Assemblies, nominated, appointed and constituted, according to the tenor of his and their respective commissions and directions to assemble, exercise in arms, martial array, and put in warlike posture, the inhabitants of the said colony, for their special defence and safety; and to lead and conduct the said inhabitants, and to encounter, expulse, expel and resist, by force of arms, as well by sea as by land, and also to kill, slay and destroy, by all fitting ways, enterprizes and means, whatsoever, all and every such person or persons as shall, at any time hereafter, attempt or enterprize the destruction, invasion, detriment, or annoyance of the said inhabitants or Plantations; and to use and exercise the law martial in such cases only as occasion shall necessarily require; and to take or surprise, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armor, ammunition or other goods of such persons, as shall, in hostile manner, invade or attempt the defeating of the said Plantation, or the hurt of the said Company and inhabitants; and upon just causes, to invade and destroy the native Indians, or other enemies of the said Colony. Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our Colonies in New England, that it shall not be lawful for this our said Colony of Rhode Island and Providence Plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of their said Colonies, without the

knowledge and consent of the said other Colonies. And it is hereby declared that it shall not be lawful to or for the rest of the Colonies to invade or molest the native Indians or any other inhabitants inhabiting without the bounds and limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection,) without the knowledge and consent of the Governor and Company of our Colony of Rhode-Island and Providence Plantations. Also our will and pleasure is, and we do hereby declare unto all Christian Kings, Princes and States, that if any person, which shall hereafter be of the said Company or Plantations, or any other, by appointment of the said Governor and Company for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt or unlawful hostility to any of the subjects of any Prince or State, being then in league with us, our heirs or successors, upon complaint of such injury done to any such Prince or State, or their subjects, we, our heirs and successors, will make open proclamation within any parts of our realm of England, fit for that purpose, that the person or persons committing any such robbery or spoil, shall, within the time limited by such proclamation, make full restitution, or satisfaction of all such injuries, done or committed, so as the said Prince, or others so complaining, may be fully satisfied and contented; and if the said person or persons who shall commit any such robbery or spoil shall not make satisfaction, accordingly, within such time, so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection; and that then it shall and may be lawful and free for all Princes or others to prosecute with hostility, such offenders, and every of them, their and every of their procurers, aiders, abettors and counsellors, in that behalf: *Provided also*, and our express will and pleasure is, and we do, by these presents, for us, our heirs and suc-



WILLIAM CODDINGTON

(From portrait in City Hall, Newport, R. I., and said to be that of the first Governor William Coddington.)

cessors, ordain and appoint, that these presents, shall not, in any manner, hinder any of our loving subjects, whatsoever, from using and exercising the trade of fishing upon the coast of New England, in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water, rivers and creeks, where they have been accustomed to fish: and to build and to set upon the waste land belonging to the said Colony and Plantations, such wharves, stages and work-houses as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our said Colony of Providence Plantations to set upon the business of taking whales, it shall be lawful for them, or any of them, having struck whale, dubertus, or other great fish, it or them, to pursue unto any part of that coast, and into any bay, river, cove, creek, or shore, belonging thereto, and it or them, upon the said coast, or in the said bay, river, cove, creek, or shore, belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; anything in these presents contained, or any other matter or thing, to the contrary, notwithstanding. And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said Colony do set upon the planting of vineyards (the soil and climate both seeming naturally to concur to the production of wines) or be industrious in the discovery of fishing banks, in or about the said Colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others, in cases of like nature. And further, of our more ample grace, certain knowledge and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Governor and Company

of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, in New England, in America, and to every inhabitant there, and to every person and persons, trading thither, and to every such person or persons as are or shall be free of the said Colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport and carry away, out of any of our realms and dominions, for and towards the plantation and defence of the said Colony, such and so many of our loving subjects and strangers as shall or will willingly accompany them in and to their said Colony and Plantation; except such person or persons as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm: and also to ship and transport all and all manner of goods, chattels, merchandizes and other things whatsoever, that are or shall be useful or necessary for the said Plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs and successors, such the duties, customes and subsidies, as are or ought to be paid or payable for the same. And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant unto the said Governor and Company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said Colony of Providence Plantations, or which shall hereafter go to inhabit within the said Colony, and all and every of their children, which have been born there, or which shall happen hereafter to be born there, or on the sea, going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any the dominions of us, our heirs or successors, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, all that part of our dominions in New England, in America, containing the Nahantick and Nanhyganset, alias Narragansett Bay, and countries and parts adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or middle stream thereof reacheth or lies up into the north country, northward, unto the head thereof, and from thence, by a straight line drawn due north, until it meets with the south line of the Massachusetts Colony; and on the north, or northerly, by the aforesaid south or southerly line of the Massachusetts Colony or Plantation, and extending towards the east, or eastwardly, three English miles to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narragansett Bay, as the said bay lyeth or extendeth itself from the ocean on the south or southwardly unto the mouth of the river which runneth towards the town of Providence, and from thence along the easterly side or bank of the said river (higher called by the name of Seacunck river) up to the falls called Patuckett falls, being the most westwardly line of Plymouth Colony, and so from the said falls, in a straight line, due north, until it meet with the aforesaid line of the Massachusetts Colony; and bounded on the south by the ocean; and, in particular, the lands belonging to the towns of Providence, Pawtuxet, Warwick, Misquammacok, alias Pawcatuck, and the rest upon the main land in the tract aforesaid, together with Rhode-Island, Block-Island, and all the rest of the islands and banks in the Narragansett Bay, and bordering upon the coast of the tract afore-

said, (Fisher's Island only excepted,) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, preheminancies, and hereditaments, whatsoever, within the said tract, bonds, lands and islands aforesaid, or to them or any of them belonging, or in any wise appertaining; *to have and to hold* the same, unto the said Governor and Company, and their successors, forever, upon trust, for the use and benefit of themselves and their associates freemen of the said Colony, their heirs and assigns, to be holden of us, our heirs and successors, as of the Manor of East-Greenwich, in our county of Kent, in free and common soccage, and not in capite, nor by knight service; yielding and paying therefor, to us, our heirs and successors, only the fifth part of all the ore of gold and silver which, from time to time, and at all times, hereafter, shall be there gotten, had or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims and demands whatsoever, to be to us, our heirs or successors, therefor or thereout rendered, made or paid; any grant, or clause in a late grant, to the Governor and Company of Connecticut Colony, in America, to the contrary thereof in any wise notwithstanding; the aforesaid Pawcatuck river having been yielded, after much debate, for the fixed and certain bounds between these our said Colonies, by the agents thereof; who have also agreed, that the said Pawcatuck river shall be also called alias Norrogansett or Narrogansett river; and, to prevent future disputes, that otherwise might arise thereby, forever hereafter shall be construed, deemed and taken to be the Narragansett river in our late grant to Connecticut Colony mentioned as the easterly bounds of that Colony. And further, our will and pleasure is, that in all matters of

public controversy which may fall out between our Colony of Providence Plantations, and the rest of our colonies in New England, it shall and may be lawful to and for the Governor and Company of the said Colony of Providence Plantations to make their appeals therein to us, our heirs and successors, for redress in such cases, within this our realm of England: and that it shall be lawful to and for the inhabitants of the said Colony of Providence Plantations, without let or molestation, to pass and repass, with freedom, into and through the rest of the English Colonies, upon their lawful and civil occasions, and to converse, and hold commerce and trade, with such of the inhabitants of our other English Colonies as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause or sentence, in any of the said Colonies provided, or that shall be provided, to the contrary in anywise notwithstanding. And lastly, we do, for us, our heirs and successors, ordain and grant unto the said Governor and Company, and their successors, by these presents, that these our letters patent shall be firm, good, effectual and available in all things in the law, to all intents, constructions and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall be construed, reputed and adjudged in all cases most favorably on the behalf, and for the best benefit and behoof, of the said Governor and Company, and their successors; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us, or by any of our progenitors or predecessors, heretofore made to the said Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, New England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing

whatsoever, to the contrary thereof in anywise notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the eighth day of July, in the fifteenth year of our reign.

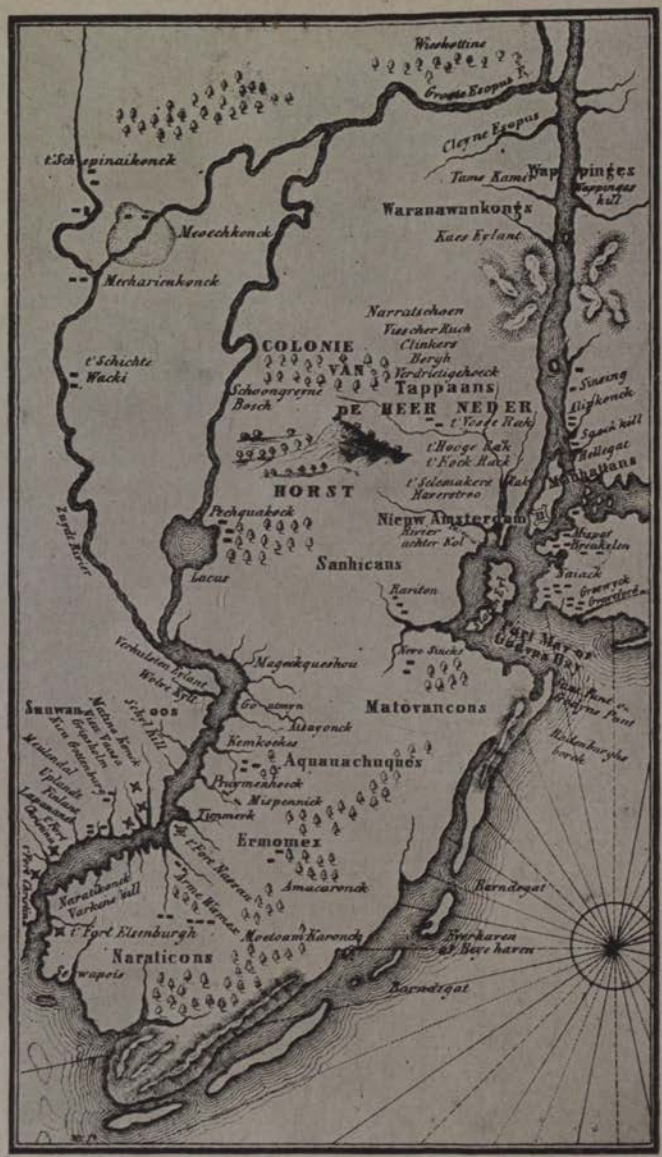
By the King:

HOWARD.

First Constitution of New Jersey, 1664

This instrument granted by Berkeley and Carteret was entitled "The Concessions and Agreements of the Lords Proprietors of the Province of *New Cæsarea* or New Jersey, To and With All and Every of the New Adventurers, and All Such as shall Settle or Plant there." It was the first constitution of New Jersey, and it continued entire until the province became divided, in 1676. The following extracts from this instrument are from Barber and Howe's "New Jersey Historical Collections," edition of 1855. (See page 72.)

9. Item. That the inhabitants being freemen, or chief agents to others of the province aforesaid; do, as soon as this our commission shall arrive, by virtue of a writ, in our names, by the governor, to be for the present (until our seal comes) sealed and signed, make choice of twelve deputies or representatives, from amongst themselves; who being chosen, are to join with the governor and council, for the making of such laws, ordinances and constitutions as shall be necessary for the present good and welfare of the said province: But so soon as parishes, divisions, tribes, and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and distinctions aforesaid, do by our writs, under our seals, (which we ingage shall be in due time issued,) annually meet on the first day of January, and choose freeholders for each respective division, tribe, or parish,



NEW JERSEY, 1656

(From the Map of A. Vanderdonck, 1656)

to be the deputies or representatives of the same: Which body of representatives, or the major part of them, shall, with the governor and council aforesaid, be the general assembly of the said province; the governor or his deputy being present, unless they shall wilfully refuse; in which case they may appoint themselves a president during the absence of the governor, or the deputy-governor. Which assemblies are to have power.

First. To appoint their own time of meeting, and to adjourn their sessions from time to time, to such times and places as they shall think convenient; as also to ascertain the number of their quorums; provided, the said number be not less than a third part of the whole, in whom (or more) shall be the full power of the general assembly.

Secondly. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said province, and them to repeal: Provided, that the same be consonant to reason, and, as near as may be, conveniently agreeable to the laws and customs of his majesty's kingdom of England: Provided, also, that they be not against the interest of us the lords proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience above mentioned; which laws, &c. so made, shall receive publication from the governor and council, (but as the laws of us and our general assembly,) and be in force for the space of one year, and no more; unless contradicted by the lords proprietors; within which time they shall be presented to us, our heirs, &c. for our ratification; and being confirmed by us, they shall be in continual force, till expired by their own limitation, or by the act of repeal, in like manner to be passed as aforesaid, and confirmed.

Thirdly. By act as aforesaid, to constitute all courts, together with the limits, powers, and jurisdictions of the same, as also the several offices, and number of the

officers belonging to each court, with their respective salaries, fees, and perquisites, their appellations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

Fourthly. By act as aforesaid, to lay equal taxes and assessments equally to raise moneys or goods upon all lands, (except such as belong to us the lords proprietors before settling,) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made, and established in the said province, as often as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants, in order to the better supporting of the public charge of the said government, and for the mutual safety, defence, and security of the said province.

. . . . . .

And that the planting of the said province may be the more speedily promoted—

First. We do hereby grant unto all persons who have already adventured into the said province of New Cæsaria, or New Jersey, or shall have already adventured to transport themselves or servants before the first day of January, which shall be in the year of our Lord 1665, these following proportions, viz: To every freeman that shall go with the first governor from the port where he embarks, (or shall meet him at the rendezvous he appoints for the settlement of a plantation,) there armed with a good musket, bore twelve bullets to the pound, with ten pounds of powder and twenty pounds of bullets, with bandaliers and matches convenient, and with six months' provision; for his own person arriving there, one hundred and fifty acres of land, English measure; and for every able man-servant, that he shall carry with him, armed and provided as

ADVERTISEMENT,

To all Tradesmen, Husbandmen, Servants and others who are willing to Transport themselves unto the Province of New-East-Jersy *in* America, *a great part of which belongs to* Scots-men, *Proprietors thereof.*

WHereas several Noblemen, Gentlemen, and others, who (by undoubted Rights derived from His Majesty, and His Royal Highness) are Interested and concerned in the Province of *New-East-Jersie*, lying in the midst of the *English* Plantations in *America*, do intend (God-willing) to send several Ships thither, in *May*, *June*, and *July* ensuing, 1684. from *Leith*, *Montrose*, *Aberdeen* and *Glasgow*. These are to give notice to all Tradesmen, Husbandmen and others, who are willing and desirous to go there, and are able to Transport themselves and Families thither, upon their own Cost and Charges, to a pleasant and profitable Countrey, where they may live in great Plenty and Pleasure, upon far less Stock, and with much less labour and trouble then in *Scotland*, that as soon as they arrive there, they shall have considerable quantities of Land, set out Heretably to themselves and their Heirs for ever, for which they shall pay nothing for the first four or five years, and afterwards pay only a small Rent yearly to the Owners and Proprietors thereof, according as they can agree. And all Tradesmen, Servants, and others, such as, Wrights, Coupers, Smiths, Masons, Millers, Shoe-makers, &c. who are willing to go there, and are not able to Transport themselves, that they shall be carried over free, and well maintained in Meat and Clothes the first four years, only for their Service, and thereafter they shall have considerable quantities of Land, set out to themselves and their Heirs for ever, upon which they may live at the rate of Gentlemen all their lives, and their Children after them: Their ordinary Service will be cutting down of Wood with Axes, and other easie Husband-Work, there being plenty of Oxen and Horses for Plowing and Harrowing, *&c.* Let therefore all Tradesmen, Husband-men, Servants, and others who incline to go thither, and desire further Information herein, repair themselves to any of the Persons underwritten, who will fully inform them anent the Countrey, and every other thing necessary, and will answer and satisfie their Scruples and Objections, and give them all other Incouragements according to their several abilities and capacities, *viz.*

At *Edinburgh* let them apply themselves to the Lord Thesaurer-Deput, the Lord Register, Sir *John Gordon*, Mr. *Patrick Lyon*, Nr, *George Alexander*, Advocates, *George Drummond* of *Blair*, *John Swintown* *John Drummond*, *Thomas Gordon*, *David Falconer*, *Andrew Hamilton*, Merchants; at *Bonat-Island* to *William Robison* Doctor of Medecine; at *Montrose*, to *John Gordon* Doctor of Medecine, *John Inverton* of *Kinabir*, and *Robert* and *Thomas Fullertons* his Brothers; in the Shire of the *Mearns*, to *Robert Barclay* of *Ury*, and *John Barclay* his Brother; at *Aberdeen*, to *Gilbert Molesm*, *Andrew Galloway*, *John* and *Robert Sandilands*, *William Gerard* Merchants; in the Shire of *Aberdeen*, to *Robert Gordon* of *Glunie*, and *Robert Barnet* of *Leithanty*; in the Shire of *Fearib* to *David Tosshach* of *Monyward* and Captain *Patrick Macgreiger*; In *Merse* Shire, to *James Johnston* of *Spottswood*; At *Kelso*, to *Charles Ormiston* Merchant; In the *Lowis*, to *Kenneth Mackenzie* younger of *Kildin*: And if any Gentleman or others be desireous to buy or purchase any small shares or portions of Land in the said Province, they may repair to any of the foresaid Persons, who will direct them how they shall be served, providing they do it timously, because many more Persons are dayly offering to buy, when can be gotten well accommodated.

ADVERTISEMENT FOR TRADESMEN, HUSBANDMEN, ETC., TO SETTLE IN NEW JERSEY

aforesaid, and arriving there, the like quantity of one hundred and fifty acres; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy-five acres of land; and to every Christian servant, exceeding the age aforesaid, after the expiration of their time of service, seventy-five acres of land for their own uses.

Secondly. Item. To every master or mistress, that shall go before the first day of January, which shall be in the year of our Lord 1665, one hundred and twenty acres of land; and for every able man-servant, that he or she shall carry or send armed and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land; and to every Christian servant, to their own use and behoof, sixty acres of land.

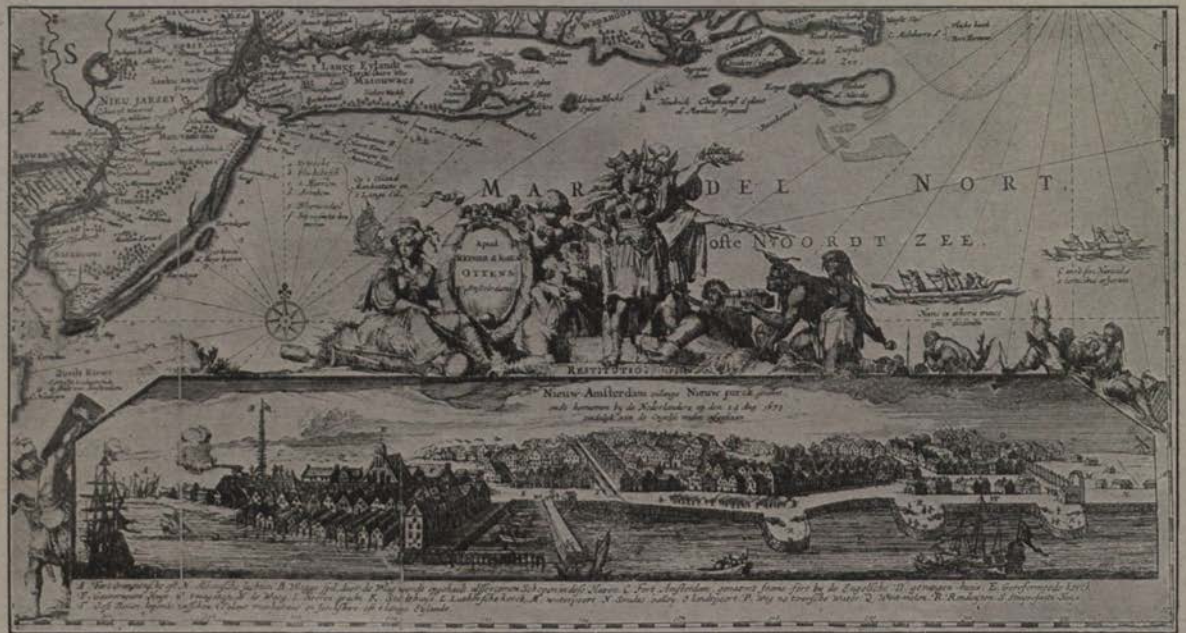
Thirdly. Item. To every freeman or free-woman, that shall arrive in the said province, armed and provided as aforesaid, within the second year, from the first day of January, 1665, to the first day of January, 1666, with an intention to plant, ninety acres of land, English measure; and for every able man-servant, that he or she shall carry or send, armed and provided as aforesaid, ninety acres of land like measure.

Fourthly. Item. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither within the second year, as aforesaid, forty-five acres of land, of like measure; and to every Christian servant that shall arrive the second year, forty-five acres of land of like measure, after the expiration of his or their time of service, for their own use and behoof.

Grant of New Netherland to the Duke of York and Albany, 1664

On March 12, 1664, King Charles II. granted to his brother James, Duke of York and Albany, territory that embraced all of New Netherland and a part of New England, which had been affirmed to other English proprietors by a charter in 1662. Text from "American Charters, Constitutions, and Organic Laws" (1909, Vol. V., pp. 2590–93, Government Printing Office). (See page 59.)

Charles the Second, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come greeting: Know ye, that we for divers good causes and considerations us thereunto moving, have of our especial grace, certain knowledge, and meer motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our dearest brother James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river of Canada northward. And also all that Island or Islands, commonly called by the several name or

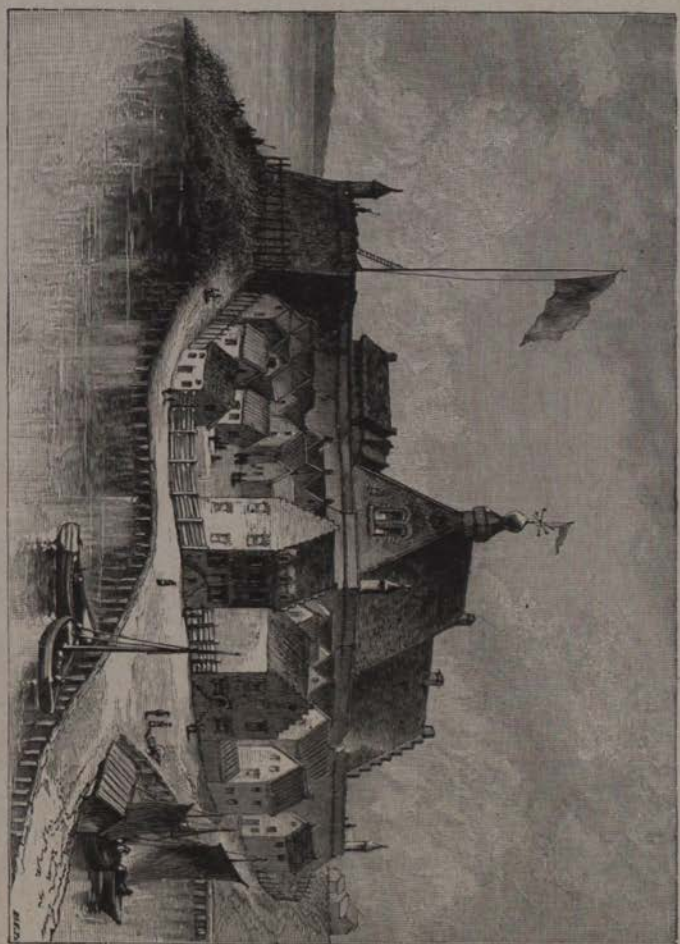


THE ALLAERDT VIEW OF NEW YORK, CIRCA 1668

names of Matowacks or Long Island, scituate, lying and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut, to the east side of Delaware Bay. And also all those several islands called or known by the names of Martin's Vineyard and Nantukes or otherwise Nantukett; together with all the lands, islands, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings and fowling; and all other royalty's, profits, commodities and hereditaments to said several islands, lands and premises belonging and appertaining, with their and every of their apurtenances; and all our estate, right, title, interest, benefit, advantage, claim and demand of, in or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders; together with the yearly and other the rents, revenues and profits of all and singular the said premises, and of every part and parcel thereof; to have and to hold all and singular the said lands, islands, heriditaments, and premises, with their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our dearest brother James Duke of York, his heirs and assigns forever; to the only proper use and behoof of the said James Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors, as of our mannor of East Greenwich in our County of Kent, in free and common soccage, and not in capitie, nor by knight service yielding and rendering. And the said James Duke of York, doth for himself, his heirs and assigns, covenant and promise to yield and render unto our heirs and successors, of and for the same and every year, forty beaver skins when they shall be demanded, or within ninety days after. And we do further of our special grace, certain knowledge and meer motion, for

us, our heirs and successors, give and grant unto our said dearest brother James Duke of York, his heirs, deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves unto any the parts or places aforesaid; or that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instruments as by our said dearest brother, or his assigns, shall be established; and in defect thereof, in case of necessity, according to the good discretions of his deputy's, commissioners, officers or assigns respectively; as well in all causes and matters capital and criminal, as civil both marine and others; so always as the said statutes, ordinances and proceedings be not contrary to, but as near as conveniently may be, agreeable to the laws, statutes and government of this our realm of England; and saving and reserving to us, our heirs and successors, the receiving, hearing, and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents from time to time, to nominate, make, constitute, ordain and confirm, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke, discharge, change and alter as well all and singular governor's, officers and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid parts and islands: And also to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the

territories and islands aforesaid; so always that the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable

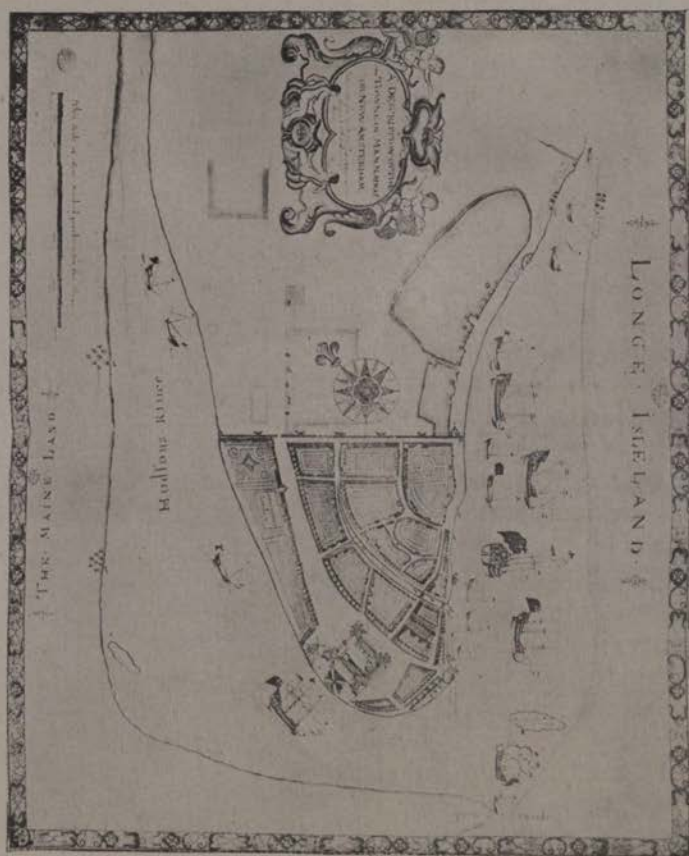


THE STONE CHURCH AND FORT AT THE BATTERY IN EARLY DUTCH PERIOD

thereunto; and the same at all times hereafter to put in execution or abrogate, revoke or charge, not only within the precincts of the said territories or islands,

but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think to be fitest for the good of the adventurers and inhabitants there. And we do further of our special grace, certain knowledge, and meer motion, grant, ordain and declare, that such governors, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority to use and exercise marshall law in cases of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in our counties within our realm of England have or ought to have, by force of their commission of lieutenancy, or any law or statute of this our realm. And we do further by these presents, for us, our heirs and successors, grant unto our said dearest brother James Duke of York, his heirs and assigns, that it shall and may be lawful to and for the said James Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person or persons to trade and traffique unto and within the said territories and islands aforesaid, and into every or any part and parcel thereof; and to have, possess and enjoy any lands or hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by our said brother, his heirs, deputies, commissioners and assigns from time to time to be made and established by virtue of, and according to the true intent and meaning of these presents; and under such conditions, preservations and agreements as our said brother, his heirs or assigns shall set down, order direct and appoint and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meer motion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs and assigns, by these presents, that it shall and may be lawful to and for him, them or any of them, at all and every

time and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, and for and towards the plantations of our said territories and islands, all such



"THE DUKE'S PLAN" OF NEW YORK, 1661-64

and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the said voyages; together with all such cloathing, implements, furniture

and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and defence thereof, and managing and carrying on the trade with the people there; and in passing and returning to and fro, yielding and paying to us, our heirs and successors, the customs and duties therefor due and payable, according to the laws and customs of this our realm. And we do also for us, our heirs and successors, grant to our said dearest brother, James Duke of York, his heirs and assigns, and to all and every such governor or governors, or other officers or ministers as by our said brother, his heirs or assigns, shall be appointed; to have power and authority of government and command in or over the inhabitants of the said territories or islands, that they and every of them shall and lawfully may from time to time, and at all times hereafter for ever, for their several defence and safety, encounter, expulse, repell, and resist, by force of arms as well by sea as by land, and all ways and means whatsoever, all such person and persons as without the special license of our said dearest brother, his heirs and assigns, shall attempt to inhabit within the several precincts and limits of our said territories and islands. And also, all and every such person and persons whatsoever, as shall enterprize or attempt at any time hereafter the destruction, invasion, detriment or annoyance to the parts, places or islands aforesaid or any part thereof. And lastly, our will and pleasure is, and we do hereby declare and grant, that these our letters patents, or the inrollment thereof, shall be good and effectual in the law to all intents and purposes whatsoever, notwithstanding the not reciting or mentioning of the premises or any part thereof, or the meets or bounds thereof, or of any former or other letters patents or grants heretofore made or granted of the premises, or of any part thereof, by us or of any of our progenitors, unto any other per-

son or persons whatsoever, bodies politick or corporate, or any act, law or other restraint, incertainty, or imperfection whatsoever to the contrary in any wise notwithstanding; altho' express mention of the yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors heretofore made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the twelfth day of March, in the sixteenth year of our reign. By the King, Howard.

The Grant and Naming of New Jersey, 1664

On March 20, 1664, King Charles made an extensive grant of territory to his brother, the Duke of York, and on June 23, following, the Duke conveyed a portion of this territory to Lord Berkeley and Sir George Carteret by the following instrument. Text from Barber and Howe's "New Jersey Historical Collections," 1844. (See page 70.)

This indenture, made the three-and-twentieth day of June, in the sixteenth year of the Raigne of our Sovreign Lord Charles the Second, by the Grace of God of England, Scotland, France, and Ireland, King, Defender of the Faith—Anno Domine 1664. Between his Royal Highness James Duke of York and Albany, Earl of Ulster, Lord high Admiral of England and Ireland, Constable of Dover Castle, Lord Warden of the Cinque Ports, and Governor of Portsmouth, of the one part, John Lord Berkeley, Baron of Stratton, and one of his majestie's most honorable privy Council, and



GOVERNOR PHILIP CARTERET'S OFFICIAL SEAL

A BRIEF

ACCOUNT

OF THE

PROVINCE

OF

East-Jersey

IN

AMERICA.

PUBLISHED

By the present PROPRIETORS thereof,

VIZ,

William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew,	Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted, Thomas Cooper,	Who intend to take in Twelve more to make the number of Proprietors Twenty four.

For Information of all such Persons who are or may be inclined to Setle themselves, Families, and Servants in that Country.

LONDON,

Printed for *Benjamin Clark* in *George-Yard* in *Lombard-street*, *Bookseller*, MDCLXXXII.

TITLE-PAGE OF "A BRIEF ACCOUNT OF THE PROVINCE OF EAST-JERSEY IN AMERICA"

Sir George Carteret of Sattrum in the County of Devon, Knight, and one of his majestie's most honorable privy Council, of the other part, Witnesseth that said James Duke of York, for and in consideration of the sum of ten shillings of lawful money of England, to him in hand paid, by these presents doth bargain and sell unto the said John Lord Berkeley and Sir George Carteret, all that tract of land adjacent to New England, and lying and being to the westward of Long Island. Bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west Delaware Bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware Bay, and to the northward as far as the northernmost branch of said bay or river of Delaware, which is in forty-one degrees and forty minutes of latitude, and worketh over thence in a straight line to Hudson's river—which said tract of land is hereafter to be called by the name or names of Nova Cesarea, or New Jersey.

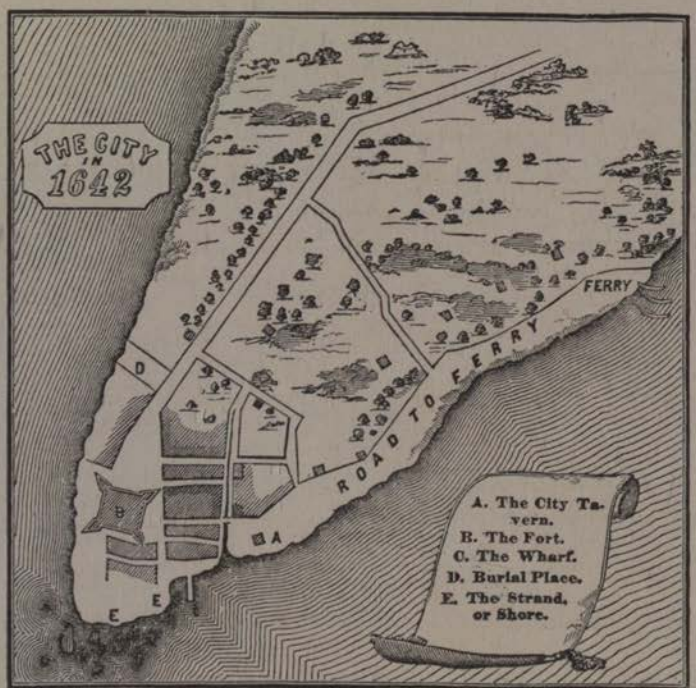
Restoration of English Government in New York, 1665

Sir Richard Nicolls, the first English governor of New York, took possession of New Amsterdam and the province of New Netherland on September 8, 1664. He renamed both province and city New York. In the following year he revoked the Dutch form of government of the city by the subjoined charter and commission. Text from "Documentary History of New York," Vol. I., 1849, pp. 602–4. (See page 66.)

The Governors Revocation of ye fforme of Government of New Yorke undr ye style of Burgomastr & Schepens.

By virtue of his Maties Letters Pattents bearing date the 12th day of March in the 16th year of his Maties Reigne, Granted to His Royall Highnesse, James Duke of Yorke wherein full & absolute power is given and granted to his Royall Highnesse or his Deputyes to Constitue, appoint, revoke & discharge all Officers both Civill & military, as also to alter & change all Names & styles fformes or Ceremonyes of Governmt: To the End that His Maties Royall Pleasure may be observed & for the more Orderly establishment of his Maties Royall authority, as near as may bee Agreeable to the Lawes and Customes of his Maties Realme of England; upon Mature deliberacion & advice, I have thought it necessary to Revoke & discharge, and by these P'sents

in his Maties Name, do revoke and discharge the fforme and Ceremony of Government of this his Maties Towne of New Yorke, under the name or names, style or styles of Scout, Burgomasters & Schepens; As also, that for



MAP OF NEW YORK, 1642

(The upper crossroad is the present Maiden Lane, then called "T' Maagde Paatje")

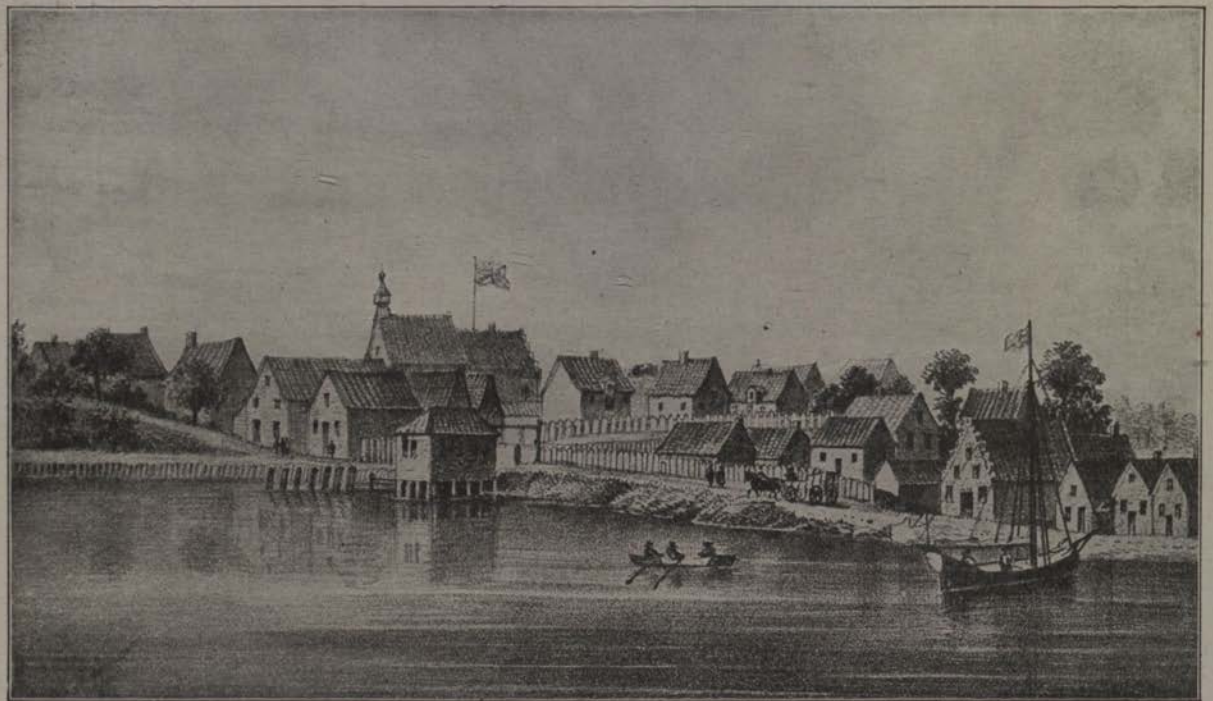
the future Administracon of Justice by the Lawes established in these the Territoryes of his Royall Highnesse wherein the welfares of all the Inhabitants and the Preservacon of all their due Rights and Priviledges, Graunted by the Articles of this Towne upon Surrender under his Maties Obedience are concluded; I do further declare, That by a particular Commission, such persons

shall be authorized to putt the Lawes in Execucon, in whose abilityes prudence & good affection to his Maties Service and ye Peace and happinesse of this Governmt I have especiall reason to put Confidence, which persons so constituted and appointed, shall be knowne and call'd by the Name & Style of Mayor Aldermen & Sherriffe, according to the Custome of England in other his Maties Corporacons: Given under my hand & Seale at ffort James in New Yorke, this 12th day of June 1665.

RICHARD NICOLLS.

THE MAYOR AND ALDERMEN'S COMMISSION

Whereas upon mature deleberacon and advice, I have found it necessary to discharge the fforme of Governmt late in practice wthin this his Maties Towne of New Yorke, under the name and style of Scout, Burgomasters and Schepens, which are not knowne or customary in any of his Maties Dominions; To the end that the course of Justice for the future may be legally, equally and impartially administered to all his Maties Subjects as well Inhabitants as Strangers; Know all Men by these Presents, That I Richard Nicolls, Deputy Governr to his Royall Highnesse, the Duke of York, by virtue of his Matties Letters Pattents, bearing date the 12th day of March in ye 16th yeare of his Maties Reigne, Do ordaine, constitute and declare, that the Inhabitants of New Yorke, New Harlem, wth all other his Maties Subjects Inhabitants upon this Island, commonly called & knowne by the Name of the Manhattans Island, are and shall be for ever accounted, nominated and Established, as one Body Politique and Corporate under the Governmt of a Mayor, Aldermen and Sheriffe, and I do by these P'sents constitute and appoint for one whole year, commencing from the date hereof, and ending the 12th day of June wch shall be in the yeare of our Lord 1666; Mr Thomas Willett to bee Mayor, Mr Thomas



THE WATER-GATE, FOOT OF WALL STREET, 1679

(See the descriptive note in the List of Illustrations)

Delavall, Mr Oloffe Stuyvesant, Mr John Brugges, Mr Cornelius Van Ruyven & Mr John Lawrence to bee Aldermen, & Mr Allard Anthony to be Sheriffe; Giving & Granting to them the said Mayor and Aldermen, or any four of them, whereof the said Mayor or his Deputy, shall bee alwayes one, and upon Equall division of voyces, to have always the casting and decisive voyce, full power and authoritye to Rule & Governe as well all the Inhabitants of this Corporacon, as any Strangers, according to the Generall Lawes of this Governmt and such peculiar Lawes as are, or shall be thought convenient & necessary for the good and Welfare of this his Maties Corporacon; as also to appoint such under officers, as they shall judge necessary, for the orderly execution of Justice; and I do hereby strictly charge and command all persons to obey & execute, from Time to Time, all such warrants, orders & Constitutions as shall be made by the said Mayor and Aldermen as they will answer the Contrary at their utmost Perills; And for the due administracon of Justice, according to the fforme and manner prescribed in this Commission, by the Mayor, Aldermen & sheriffe, These Presents shall bee to them, & every of them, a sufficient Warrant and discharge in that behalfe; Given under my hand and seale at ffort James in New Yorke this 12th day of June 1665.

RICH NICOLLS.

Concessions for the Settling of Albemarle, Which Later Became North Carolina, 1665

Prior to the creation of the province of Carolina, several small settlements had been made near Albemarle Sound, and for a time what is now known as North Carolina was called Albemarle. The following are extracts from the concessions and agreements of the lords proprietors for the settling of this region. Text in "American Charters, Constitutions, and Organic Laws" (1909, Vol. V., pp. 2756–61, Government Printing Office). (See page 122.)

The Concessions and Agreement of the Lords Propryators of the Province of Carolina to and with the adventurers of the Island of Barbados and their associates of England New England the Carribbia Islands and Barmothos to the Province of Carolina and all that shall plant there In order to the setling and planting of the Countye of Clarendine the County of Albermarle and the County which latter is to bee to the southward of Cape Romania all within the Province aforesaid. . . .

10. Item That the inhabitants being freemen or chiefs agents to others of ye Countyes aforesd doe as soone as this our Commission shall arrive by virtue of a writt in our names by the Governor to be for ye present (untill our seale comes) sealed and syned make choice of twelve Deputyes or representatives from amongst themselves whoe being chosen are to joyne with him the sd Governor and Councill for the makeing of such

Lawes Ordinances and Constitutions as shalbe necessary for the present good and welfare of the severall Countyes aforesd but as soone as Parishes Divisions tribes or districcons of ye said Countyes are made that they ye Inhabitants or Freeholders of the sevll and respective



MAP OF CAROLINA
(From Ogilby's "America")

Parishes Tribes Divisions or Districcons of the Countyes aforesd doe (by our writts under our Seale wch wee Ingage shalbe in due time issued) annually meete on ye first day of January and chuse freeholders for each respective denizon Tribe or parish to be ye Deputyes or representatives of ye same, which body of Representa-

tives or ye Majr parte of them shall wth the Governor and Councill aforesd by ye Genll Assembly of the County for which they shalbe chosen, the Governor or his Deputy being present unless they shall wilfully refuse in wch case they may appoint themselves a president during the absence of the Governor or his Deputy Governor. . . .

8. Item by act as aforesd to give unto all strangers as to them shall seeme meete a Naturalization and all such freedomes and priveledges within the sd Countyes as to his Majties subjects doe of right belong they swearing or subscribing as aforesd wch said strangers soe naturallized and priveledged shall alsoe have the same Imunityes from Customes as is granted by the Kinge to us and by us to ye said Countyes and shall not be lyable to any other Customes then the rest of his Majties subjects in the sd Counties are but be in all respects accompted in the Province and Countyes aforesaid as the King's naturall subjects.

9. Item by act as aforesd to prescribe ye quantities of land which shalbe from time to time alotted to eavery free or Sarvt male or female and to make and ordaine Rules for the casting of Lotts for Land and leying out of ye same provided yt these doe not their said prescriptions exceed ye severall proportions which are hereby graunted by us to all persons arriveing in the said Countyes or adventuring theither. . . .

11. Lastly to enact constitute and ordaine all such other Lawes actes and constitutions as shall or may be necessary for the good prosperity and setlement of ye said Countyes excepting wt by these presents are excepted and conformeing to Limitacons herein exprest: . . .

4. It is our will and desire that ye Inhabitants of the said Countyes and adventurers theither shall enjoye all the same Immunityes from Customes for exporting certine goods from these Realmes of England &c theither as ye Kinge hath been graciously pleased to graunt to



INTERIOR OF AN INDIAN VILLAGE
(From Hariot's "Virginia")

us as alsoe for ye Incorragement of the Manufactrs of wine silke oyle ollives fruite almonds &c. menconed in the pattent have priveledge for bringing them Custome free into any of his Majties dominions for ye same time and upon ye same tearmes as we ourselves may be our Pattent.

The Acts of Navigation, 1660–72

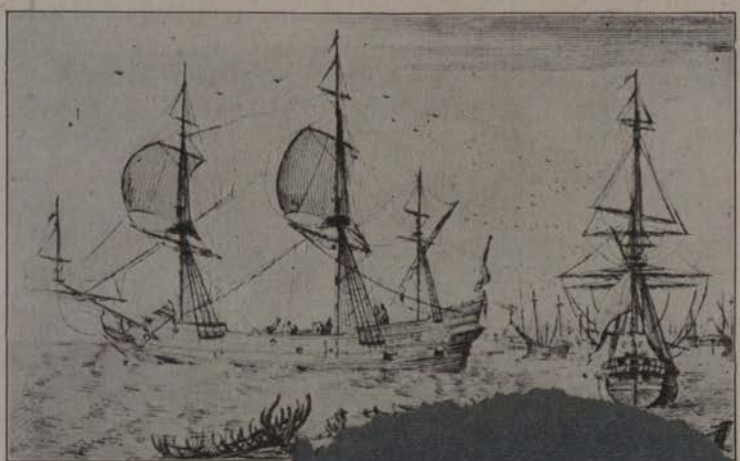
In a period of twelve years the British Parliament passed three Navigation Acts. The first, in 1660, was entitled "An act for the Encourageing and increasing of Shipping and Navigation"; the second, in 1663, was entitled "An Act for the Encouragement of Trade"; the third, in 1672, was entitled "An Act for the incouragement of the Greeneland and Eastland Trades, and for the better secureing the Plantation Trade." The text of these Acts is in "Statutes of the Realm," Vol. V., pp. 246–50, 449–52, and 792–93. The Act from which extracts are here given is the first of the series. See also "The Navigation Act of 1696." (See page 52.)



at least are English under the penalty of the Forfeiture and Losse of all the Goods and Commodityes which shall be Imported into, or Exported out of, any the aforesaid places in any other Ship or Vessell, as alsoe of the Ship or Vessell with all its Guns Furniture Tackle Ammunition and Apparell. . . .

. . . . . .

III. . . . that noe Goods or Commodityes whatsoever of the growth production or manufacture of Africa Asia or America or of any part thereof . . . be Imported into

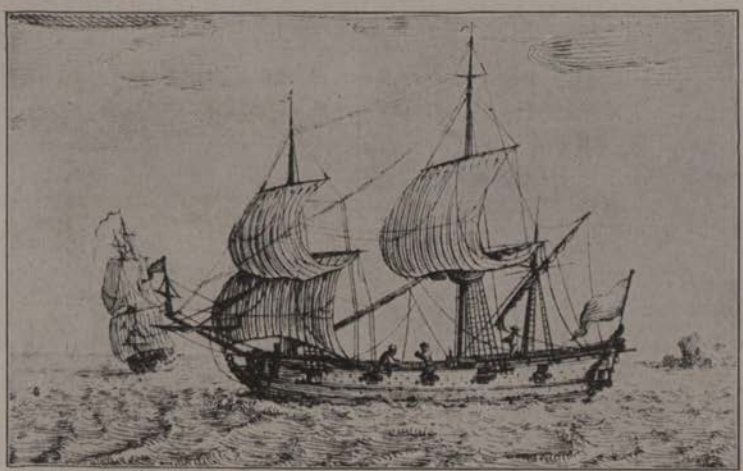


FRENCH AND ENGLISH SHIP
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therof, and wherof the Master and three fourthes at least of the Mariners are English under the penalty (as above).

IV. . . . that noe Goods or Commodityes that are of forraigne growth production or manufacture and which



TEN-CANNON FRIGATE OF THE SEVENTEENTH CENTURY

are to be brought into England Ireland Wales, the Islands of Guernsey & Jersey or Towne of Berwicke upon Tweede in English built shiping, or other shiping belonging to some of the aforesaid places, and navigated by English Mariners as abovesaid shall be shiped or brought from any other place or Places, Country or Countries but onely from those of their said Growth Production or Manufacture, or from those Ports where the said Goods and Commodityes can onely or are or usually have beene first shiped for transportation and from none other Places or Countryes under the penalty of the forfeiture of all such of the aforesaid Goods as shall be Imported from any other place or Country contrary to

the true intent and meaning hereof, as alsoe of the ship in which they were imported with all her Guns Furniture Ammunition Tackle and Apparel. . . .

. . . . . .

XVIII. . . . That from and after (2) noe Sugars Tobaccho Cotton Wool Indicoes Ginger Fustick or other dyeing wood of the Growth Production or Manufacture of any English Plantations in America Asia or Africa shall be shiped carryed conveyed or transported from any of the said English Plantations to any Land Island Territory Dominion Port or place whatsoever other then to such (other) English Plantations as doe belong to His Majesty . . . or to the Kingdome of England or Ireland or Principality of Wales or Towne of Berwicke upon Tweede there to be laid on shore under the penalty of the Forfeiture of the said Goods or the full value therof, as alsoe of the Ship with all her Guns Tackle Apparel Ammunition and Furniture. . . .

XIX. . . . That for every Ship or Vessel which from and after (3) shall set saile out of, or from England Ireland Wales or Towne of Berwicke upon Tweede for any English Plantation in America Asia (or) Africa sufficient bond shall be given with one surety to the cheife Officers of the Custome house, of such Port or place from whence the said Ship shall set saile. . . . That in case the said Ship or Vessel shall loade any of the said Commodityes at any of the said English Plantations, that the same Commodityes shall be by the said ship brought to some Port of England Ireland Wales, or to the Port or Towne of Berwicke upon Tweede and shall there unload and put on shore the same, the danger of the Seas onely excepted, And for all ships coming from any other Port or Place to any of the aforesaid plantations who by this Act are permited to trade there, that the Governour of such English plantation shall before the said Ship or Vessel be permited to loade on board any of the said Com-

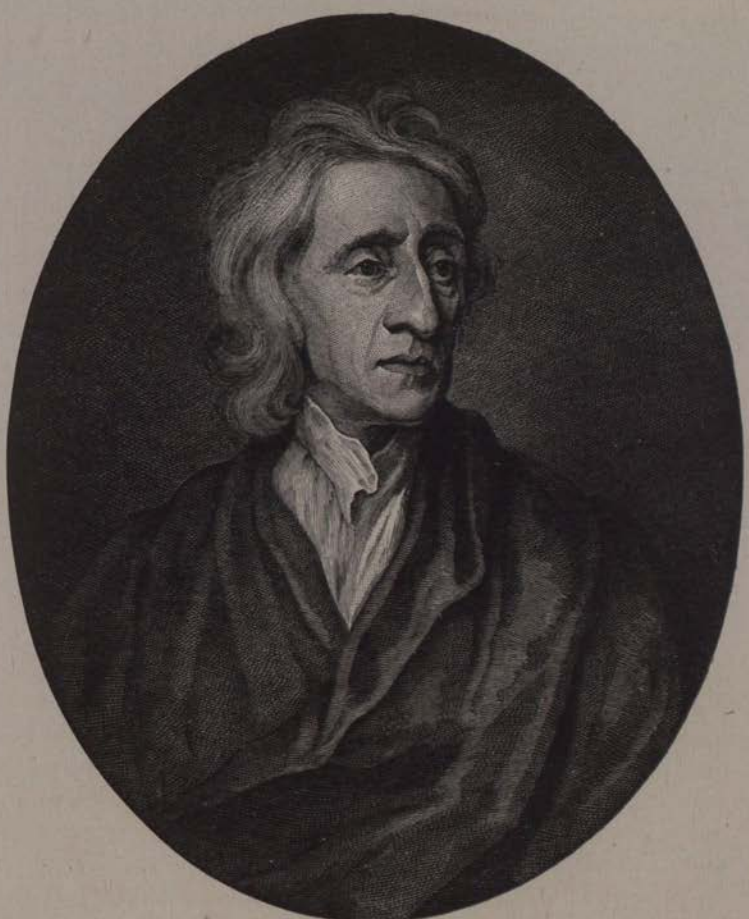
moditytes take Bond in manner and to the value aforesaid for each respective Ship or Vessel, That such Ship or Vessell shall carry all the aforesaid Goods that shall be laden on board in the said ship to some other of His Majestyes English Plantations, or to England Ireland Wales or Towne of Berwicke upon Tweede . . . (under penalty as above). . . .

1, December 1, 1660; 2, April 1, 1661; 3, December 25, 1660.

The Fundamental Constitutions of Carolina, 1669

In 1663 King Charles II. gave the region known as Carolina to the following as lords proprietors: Lord Chancellor Clarendon, the Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley, Sir George Carteret, Sir William Berkeley, and Sir John Colleton. In 1669 he issued to them an elaborate form of government. The following is a selection of the Fundamental Constitutions as compiled by the philosopher, John Locke. This constituted the body of laws for the lords proprietors named above. From "Historical Collections of South Carolina." (N. Y., Harper, 1836, Vol. II., pp. 361–390.) (See page 80.)

OUR SOVEREIGN LORD THE KING having, out of his royal grace and bounty, granted unto us the province of *Carolina*, with all the royalties, properties, jurisdictions and privileges of a county palatine, as large and ample as the county palatine of Durham, with other great privileges; for the better settlement of the government of the said place, and establishing the interest of the Lords Proprietors with equality and without confusion; and that the government of this province may be made most agreeable to the monarchy under which we live, and of which this province is a part; and that we may avoid erecting a numerous democracy: we the Lords and Proprietors of the province aforesaid, have agreed to this following form of government, to be per-



JOHN LOCKE

(From G. Vertue's Engraving of a picture by Sir Godfrey Kneller)

petually established amongst us, unto which we do oblige ourselves, our heirs and successors, in the most binding ways that can be devised.

I. The eldest of the Lords Proprietors shall be Palatine; and upon the decease of the Palatine, the eldest of the seven surviving proprietors shall always succeed him.

II. There shall be seven other chief offices erected, viz. the admirals, chamberlains, chancellors, constables, chief justices, high stewards, and treasurers; which places shall be enjoyed by none but the Lords Proprietors, to be assigned at first by lot; and upon the vacancy of any of the seven great offices by death, or otherwise, the eldest proprietor shall have his choice of the said place.

III. The whole province shall be divided into counties; each county shall consist of eight signories, eight baronies, and four precincts; each precinct shall consist of six colonies.

IV. Each signiory, barony, and colony, shall consist of twelve thousand acres; the eight signiories being the share of the eight proprietors, and the eight baronies of the nobility: both which shares, being each of them one fifth part of the whole, are to be perpetually annexed, the one to the proprietors, the other to the hereditary nobility, leaving the colonies, being three fifths amongst the people; that so in setting out, and planting the lands, the balance of the government may be preserved.

V. At any time before the year one thousand seven hundred and one, any of the Lords Proprietors shall have power to relinquish, alienate, and dispose, to any other person, his proprietorship, and all the signories, powers, and interest, thereunto belonging, wholly and entirely together, and not otherwise. But, after the year one thousand seven hundred, those who are then Lords Proprietors shall not have power to alienate or make over

their proprietorship, with the signiories and privileges thereunto belonging, or any part thereof, to any person whatsoever, otherwise than as in § xviii; but it shall all descend unto their heirs male: and for want of heirs male, it shall all descend on that Landgrave or Cassique of Carolina, who is descended of the next heirs female of the Proprietor; and, for want of such heirs, it shall descend on the next heir general; and, for want of such heirs, the remaining seven proprietors shall, upon the vacancy, chuse a Landgrave to succeed the deceased proprietor, who being chosen by the majority of the seven surviving proprietors, he and his heirs successively shall be proprietors, as fully to all intents and purposes as any of the rest.

VI. That the number of eight proprietors may be constantly kept; if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not chuse a Landgrave to be a proprietor, before the second biennial parliament after the vacancy, then the next biennial parliament but one after such vacancy, shall have power to chuse any landgrave to be a proprietor.

VII. Whosoever, after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship, and signiories thereunto belonging; shall be obliged to take the name and arms of that proprietor whom he succeeds; which from thenceforth shall be the name and arms of his family and their posterity.

VIII. Whatsoever Landgrave or Cassique shall come to be a proprietor, shall take the signiores annexed to the said proprietorship; but his former dignity, with the baronies annexed, shall devolve into the hands of the Lords Proprietors.

IX. There shall be just as many landgraves as there are counties, and twice as many cassiques, and no more. These shall be the hereditary nobility of the province, and by right of their dignity be members of parliament,

THE

DISCOVERIES

OF

JOHN LEDERER,

In three ſeveral Marches from

VIRGINIA,

To the Weſt of

Carolina,

And other parts of the Continent:

Begun in *March* 1669, and ended in *September* 1670.

Together with

A General MAP of the whole Territory which he traverſed.

Collected and Tranſlated out of Latine from his Diſcourſe and Writings,

By Sir *William Talbot* Baronet.

Sed nos immenſum ſpatiis confecimus æquor,
Et jam tempus equum fumantia ſolvere colla. Virg. Georg.

London, Printed by *J. C.* for *Samuel Heyrick*, at Grays-Inne-gate in Holborn. 1672.

TITLE-PAGE OF "THE DISCOVERIES OF JOHN LEDERER"

Each landgrave shall have four baronies, and each cassique two baronies, hereditarily and unalterably annexed to, and settled upon, the said dignity.

XVII. Every manor shall consist of not less than three thousand acres, and not above twelve thousand acres, in one entire piece and colony; but any three thousand acres or more, in one piece, and the possession of one man, shall not be a manor, unless it be constituted a manor by the grant of the Palatine's court.

XVIII. The lords of signiories and baronies shall have power only of granting estates not exceeding three lives, or thirty-one years, in two thirds of the said signiories or baronies, and the remaining third shall be always demesne.

XXVIII. There shall be eight supreme courts. The first called the Palatine's court, consisting of the palatine and the other seven proprietors. The other seven courts of the other seven great officers, shall consist each of them of a proprietor, and six counsellors added to him. Under each of these latter seven courts, shall be a college of twelve assistants. The twelve assistants of the several colleges shall be chosen, two out of the landgraves, cassiques, or eldest sons of proprietors, by the palatine's court; two out of the landgraves, by the landgraves chamber; two out of the cassiques, by the cassiques chamber; four more out of the twelve shall be chosen by the common chamber, out of such as have been, or are, members of parliament, sheriffs, or justices of the county court, or the younger sons of proprietors, or eldest sons of landgraves or cassiques; the two other shall be chosen by the palatine's court, out of the same sort of persons, out of which the commons chamber is to chuse.

XXXI. No man, being a member of the grand council, or of any of the seven colleges, shall be turned out but for misdemeanour, of which the grand council shall be judge; and the vacancy of the person so put out shall

be filled, not by election of the grand council, but by those who first chose him, and out of the same degree he was of who is expelled. But it is not hereby to be understood, that the grand council hath any power to turn out any one of the Lords Proprietors or their deputies, the Lords Proprietors having in themselves an inherent original right.

XXXII. All elections in the parliament, in the several chambers of the parliament, and in the grand council, shall be passed by balloting.

XXXIII. The Palatine's court shall consist of the Palatine and seven proprietors, wherein nothing shall be acted without the presence and consent of the Palatine or his deputy, and three others of the proprietors or their deputies. This court shall have power to call parliaments, to pardon all offences, to make elections of all officers in the proprietor's dispose, and to nominate and appoint Port Towns; and also shall have power by their order to the treasurer to dispose of all public treasure, excepting money granted by the parliament, and by them directed to some particular public use; and also shall have a negative upon all acts, orders, votes, and judgments, of the grand council and the parliament, except only as in § vi and xii; and shall have all the powers granted to the Lords Proprietors, by their patent from *Our Sovereign Lord the King*, except in such things as are limited by these *Fundamental Constitutions*.

XXXV. The chancellor's court, consisting of one of the proprietors, and his six counsellors, who shall be called vice-chancellors, shall have the custody of the seal of the palatinate, under which all charters of lands, or otherwise, commissions and grants of the Palatine's court, shall pass. And it shall not be lawful to put the seal of the Palatinate to any writing, which is not signed by the Palatine or his deputy, and three other proprietors, or their deputies. To this court also belong all state matters, dispatches, and treaties with the neigh-

bour Indians. To this court also belong all invasions of the law, of liberty of conscience, and all disturbances of the public peace, upon pretence of religion, as also the license of printing. The twelve assistants belonging to this court shall be called recorders.

XXXVIII. The chief justice's court, consisting of one of the proprietors and his six counsellors, who shall be called justices of the bench, shall judge all appeals in cases both civil and criminal, except all such cases as shall be under the jurisdiction and cognizance of any other of the proprietors' courts, which shall be tried in those courts respectively. The government and regulation of the registries of writings and contracts, shall belong to the jurisdiction of this court. The twelve assistants of this court shall be called masters.

XLI. The admiral's court consisting of one of the proprietors and his six counsellors, called consuls, shall have the care and inspection over all ports, moles, and navigable rivers, so far as the tide flows, and also all the public shipping of *Carolina*, and stores thereunto belonging, and all maritime affairs. This court also shall have the power of the court of Admiralty; and shall have power to constitute judges in port-towns, to try cases belonging to law-merchant as shall be most convenient for trade. The twelve assistants, belonging to this court, shall be called proconsuls.

L. The grand council shall consist of the Palatine and seven proprietors, and the forty-two counsellors of the several proprietors' courts, who shall have power to determine any controversies that may arise between any of the proprietors' courts, about their respective jurisdictions, or between the members of the same court, about their manner and methods of proceeding; to make peace and war, leagues, treaties, &c. with any of the neighbour Indians; to issue out their general orders to the constable's and admiral's courts, for the raising, disposing, or disbanding the forces, by land or by sea.

THE

Present State

OF

CAROLINA

WITH

Advice to the Setlers.

By R. F.

LONDON,

Printed by *John Bringhurst*, at the Sign of the Book in *Grace-Church-Street*, 1682.

TITLE-PAGE OF "THE PRESENT STATE OF CAROLINA"

LXIV. No cause shall be twice tried in any one court, upon any reason or pretence whatsoever.

LXV. For treason, murder, and all other offences punishable with death, there shall be a commission, twice a year at least, granted unto one or more members of the grand council or colleges, who shall come as itinerant judges to the several counties, and with the sheriff and four justices shall hold assizes to judge all such causes: but, upon paying of fifty pounds sterling to the Lords Proprietors' use, there shall be liberty of appeal to the respective proprietor's court.

LXXI. There shall be a parliament, consisting of the proprietors or their deputies, the landgraves, cassiques, and one freeholder out of every precinct, to be chosen by the freeholders of the said precinct respectively. They shall sit all together in one room, and have every member one vote.

LXXII. No man shall be chosen a member of parliament, who hath less than five hundred acres of freehold within the precinct for which he is chosen; nor shall any have a vote in chusing the said member that hath less than fifty acres of freehold within the said precinct.

LXXXVII. No marriage shall be lawful, whatever contract and ceremony they have used, till both the parties mutually own it before the register of the place where they were married, and he register it, with the name of the father and mother of each party.

XCV. No man shall be permitted to be a freeman of *Carolina*, or to have any estate or habitation within it, that doth not acknowledge a GOD; and that God is publicly and solemnly to be worshipped.

C. In the terms of communion of every church or profession, these following shall be three; without which no agreement or assembly of men, under pretance of religion, shall be accounted a church or profession within these rules:

1. "That there is a GOD.
2. "That GOD is publicly to be worshipped.
3. "That it is lawful and the duty of every man, being thereunto called by those that govern, to bear witness to truth; and that every church or profession shall, in their terms of communion, set down the external way whereby they witness a truth as in the presence of GOD, whether it be by laying hands on, or kissing the Bible, as in the church of England, or by holding up the hand, or any other sensible way."

CI. No person above seventeen years of age shall have any benefit or protection of the law, or be capable of any place of profit or honour, who is not a member of some church or profession, having his name recorded in some one, and but one religious record at once.

CXVII. A true copy of these *Fundamental Constitutions* shall be kept in a great book by the register of every precinct, to be subscribed before the said register. Nor shall any person, of what condition or degree soever, above seventeen years old, have any estate or possession in *Carolina*, or protection or benefit of the law there, who hath not before a precinct register subscribed these *Fundamental Constitutions* in this form:

"I, A. B. do promise to bear faith and true allegiance to our sovereign lord king *Charles* the Second, his heirs and successors; and will be true and faithful to the Palatine and Lords Proprietors of *Carolina*, their heirs and successors; and with my utmost power will defend them and maintain the government according to this establishment in these *Fundamental Constitutions*."

CXX. These *Fundamental Constitutions*, in number a hundred and twenty, and every part thereof, shall be and remain the sacred and unalterable form and rule of government of *Carolina* for ever. Witness our hands and seals, the first day of March, 1669.

Restoration of New York to the English, 1674

The province of New Netherland was surrendered by Governor Colve to Governor Andros on November 10, 1674, after considerable correspondence between the two. The most important of the communications are given, from the text in the "Documentary History of New York" (1850, Vol. III., pp. 67–8, 73–5, 79). (See page 60.)

The Order for Restitution

Burgomasters and Schepens being on the invitation of Hr. Governr. assembled Collegialiter in the City Hall on the 15 Octr 1674.

The Hr. Governour General appearing at the meeting represents that he hath now received by the Government ship the *Muyll Tromp*, Letters & Absolute Orders from the Lords Majors and their High Mightinesses, for the Restitution of this Province of N. Netherland to his Majesty of Great Britain pursuant to the Treaty of peace concluded on the — February last; with further order for himself to return immediately with the Garrison, which His Honour thought fit to communicate to the meeting, further stating to them if they had any Representation to make to their High Mightinesses, and Honble Mightinesses that his Honour would willingly present the same.

N. Orange, Rec.

5012

A

Brief Description

OF

NEW-YORK:

Formerly Called

New-Netherlands,

With the Places thereunto Adjoyning.

Together with the

Manner of its Scituation, Fertility of the Soyle, Healthfulneſs of the Climate, and the Commodities thence produced.

ALSO

Some Directions and Advice to ſuch as ſhall go thither: An Account of what Commodities they ſhall take with them; The Profit and Pleaſure that may accrew to them thereby.

LIKEWISE

A Brief RELATION of the Cuſtoms of the *Indians* there.

By *DANIEL DENTON.*

LONDON, [illegible]

Printed for *John Hancock*, at the firſt Shop in *Popes-Head-Alley* in Cornhill at the three Bibles, and *William Bradley* at the three Bibles

TITLE-PAGE OF "A BRIEF DESCRIPTION OF NEW-YORK"

Governor Andros to Governor Colve

Being arrived to this Place with Orders to Receaue from you in Behalf of His Matie of Great Britagny Pursuant to the Late Articles of Pease with the States Generall of the United Neatherlands, The New Netherlands and Dependencies, now vnder your Command, I haue herewith, by Capt. Philipe Carterett. and Ens. Cæsar Knapton, sent you the Respective Orders from the said States Generall, the States of Zealand and Admirality of Amsterdam, to that Effect, and desire youl Please to apoint some short time for it, Our Soldjers having (been) long abord, I pray your Answer by these Jentlemen and I shall bee Ready, to serve you in what may Lay in my Power, Being

From abord His Maties Ship
The Diamond, att Anker neare Your Very Humble Servant.
Staten Island this 22nd of Octber
1674.

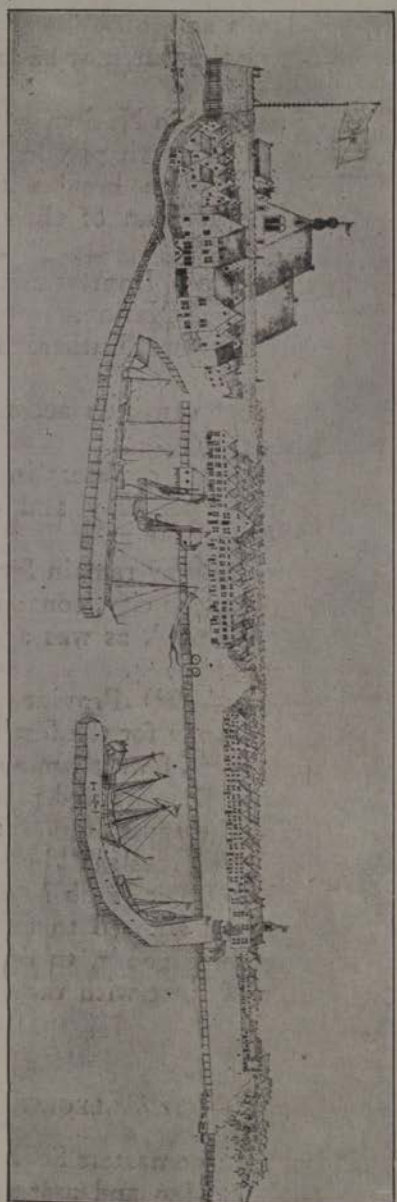
Superscription.

For the Hble The Gouernor
Commander in Chief in The
New Netherlands,

Colve's Proposals Previous to the Surrender

PROPOSALLS SENT BY GOV: COLVE to *Gov· Andros previous to the Surrender of New York Oct.* 27, 1674.

Myn Heer—Pursuant to my last I have considered it my duty to propose to your Honor herewith the following Articles, on the one side for the greater satisfaction of my Lords & Masters, and on the other for the greater tranquility of the good People of this Province, request-



VIEW OF NEW YORK FROM BROOKLYN HEIGHTS, 1679

ing I may receive your answer in the margin thereof—to wit:—

1st. As it is impossible to settle before my departure all the debts of the present government and to dispose of its effects consisting principally in the confiscated property of the late English Officers found here on the reduction of this Province, from which their personal debts must first be paid; and as it will be necessary for that end to leave authority here on behalf of my Lords Principals, I do therefore request that your Honor on being solicited, will be pleased to lend him a helping hand on all occurring occasions.

2. That all sentences and Judgments passed during my Administration may stand good.

3. That the pres-

ent owners of the houses, lands and other effects of private persons confiscated during the war, may be maintained in their possession.

4. That the Inhabitants of the Dutch Nation may be allowed to retain their customary Church privileges in Divine Service and Church discipline besides their Fathers' laws & customs in the division of their Inheritances.

5. That they may be excused from Impressment, if not wholly at least against their own Nation.

6. That each Congregation whether Lutherans or others may support their own Poor.

7. That all Publick houses may continue according to the Customs now existing.

8. That the West India Company's creditors in this Country may be paid from their property and outstanding debts here.

9. That the City Tapsters Excise may remain for the benefit of the city until the debts of the city, contracted before my Administration, shall be paid, as was agreed unto by the Capitulation in the Year 1664.

10. Whereas the Inhabitants of this Province advanced some monies by form of a Loan for the fortification of this City, for the repayment of which money a small Impost was laid on exported Beavers and peltries and imported Indian goods, that the same Impost may stand good until the said expended monies shall be paid.

11. That the Ship the Beaver, Skipper Jacob Mauritz destined hence for Holland may be allowed to remain unmolested at anchor here to sell his goods, to receive his pay, to load his Ship here to depart with the same directly for Fatherland.

The Dutch Absolved From Their Allegiance

At a Court; present the Heeren Burgomasters Schepens and Burgher Court Martial—holden and assembled

by the Special Orders of the Heer Governour General ANTHONY COLVE, at the City Hall of the City *New Orange*, the 9th November *stilo novo*, A° 1674.

The Hr. Governour General appearing in Court informed the same that he, pursuant to the orders of his Lords Principals, should on to-morrow Surrender the Fort and this Province of N. Netherland, conformably to the Articles of Peace, to the Hr Major Andros on the behalf of his Majisty of Great Britain. And hath thereupon thanked the Meeting for their past services and at the same time absolved and discharged them from the Oath of Allegiance taken to their High Mightinesses and his Serene Highness; further ordering that the 5 banners of the Out people together with the Cushions and Table Cloth now in the City Hall should be taken Charge of by the Burgomaster Johonnes van Brugh until they were demanded & removed by Superior Authority—taking thereupon, further, his farewell of the Assembly which I testify having occurred.

EPHRAIM HERMAN, Sec.

GOVERNOR ANDROS CONFIRMS RIGHTS AND PROPERTIES

BY THE GOVERNOUR

Whereas it hath pleased His Majesty and his Royall Highnesse to send me with authority to receive this place and Government from the Dutch and to continue in the command thereof under his royal Highnesse who hath not only taken care for our future safety and defence but alsoe given me his commands for securing the Rights and Propertys of the inhabitants and that I should endeavour by all fitting means the good and welfare of this Province and dependancys under his government, That I may not be wanting in any thing that may conduce thereunto and for the saving of the

trouble and charge of any coming heither for the satisfying themselves in such doubts as might arise concerning their Rights and Propertys upon this change of government and wholly to settle the minds of all in Genll I have thought fitt to establish and declare, That all former grants privileges or concessions heretofore granted and all estates legally possessed by any under his Royall Highnesse before the late Dutch government, As also all legall, judiciall proceedings during that government to my arrivall in these parts are hereby confirmed; And the possessors by virtue thereof to remain in quiet possession of their rights. It is hereby further declared that the known book of Laws formerly establisht and in force under his royall highnesse government is now again confirmed by His Royal Highnesse the which are to be observed and practised together with the manner and time of holding Courts therein menconed as heretofore. And all magistrates and civil officers belonging thereunto to be chosen and establisht accordingly. GIVEN' under my hand in New York this ninth day of November in the twenty sixth year of his Majesties reign annoqe Domini 1674.

E. ANDROS.

The Indian War Under King Philip, 1676

Relation of its causes, progress, and ending with the death of the leader, by the Rev. William Hubbard, in his "Narrative of the Troubles with the Indians of New England" (Boston, 1677). (See page 109.)

The Occasion of Philips so sudden taking up Arms the last Year, was this: There was one John Sausaman, a very cunning and plausible Indian, well skilled in the English Language, and bred up in the Profession of Christian Religion, employed as a Schoolmaster at Natick, the Indian Town, who upon some Misdemeanor fled from his Place to Philip, by whom he was entertained in the Room and Offic of Secretary, and his chief Councellor, whom he trusted with all his Affairs and secret Counsels: But afterwards, whether upon the Sting of his own Conscience, or by the frequent Sollicitations of Mr. Eliot, that had known him from a Child, and instructed him in the Principles of our Religion, who was often laying before him the heinous Sin of his Apostacy, and returning back to his old Vomit; he was at last prevailed with to forsake Philip, and return back to the Christian Indians at Natick where he was baptised, manifested publick Repentance for all his former Offences, and made a serious profession of the Christian Religion; and did apply himself to preach to the Indians, wherein he was better gifted than any other of the Indian Nation; so as he was observed to conform more to the English Manners than any other Indian.

THE

WARR

IN

NEW-ENGLAND

VISIBLY ENDED.

King *PHILIP* that barbarous *Indian* now Beheaded, and moſt of his Bloudy Adherents ſubmitted to Mercy, the Reſt fled far up into the Countrey, which hath given the Inhabitants Encouragement to prepare for their Settlement.

Being a True and Perfect Account brought in by *Caleb More* Maſter of a Veſſel newly Arrived from *Rhode-Iſland*.

And Publiſhed for general Satisfaction.

Licenſed *November* 4. *Roger L'Eſtrange.*



LONDON, Printed by *J. B.* for *Dorman Newman* at the *King's-arms* in the *Poultry*, 1677.

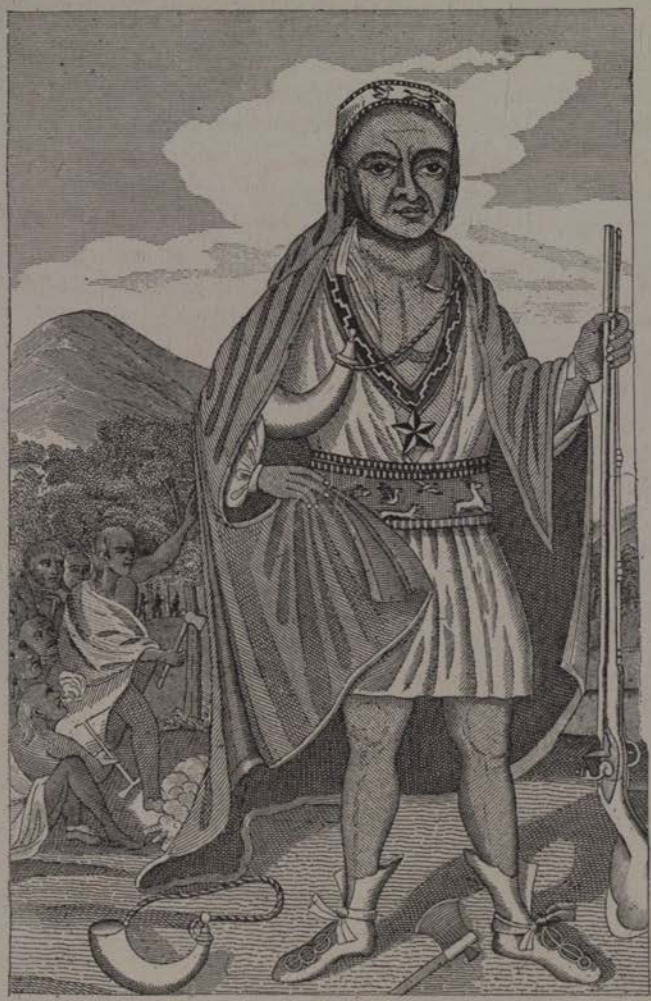
TITLE-PAGE OF "THE WARR IN NEW-ENGLAND VISIBLY ENDED"

Yet having Occasion to go up with some others of his Country men to Namasket, whether for the Advantage of Fishing or some such Occasion, it matters not; being there not far from Phillips Country, he had Occasion to be much in the Company of Philips Indians, and of Philip himself: by which Means he discerned by several Circumstances that the Indians were plotting anew against us; the which out of Faithfulness to the English the said Sausaman informed the Governour of; adding also, that if it were known that he revealed it, he knew they would presently kill him. There appearing so many concurrent Testimonies from others, making it the more probable, that there was certain Truth in the Information; some Inquiry was made into the Business, by examining Philip himself, several of his Indians, who although they could do nothing, yet could not free themselves from just Suspicion; Philip therefore soon after contrived the said Sausamans Death, which was strangely discovered; notwithstanding it was so cunningly effected, for they that murdered him met him upon the Ice on a great Pond, and presently after they had knocked him down, put him under the Ice, yet leaving his Gun and his Hat upon the Ice, that it might be thought he fell in accidentally through the Ice and was drowned; but being missed by his Friend, who finding his Hat and his Gun, they were thereby led to the Place, where his Body was found under the Ice: when they took it up to bury him, some of his Friends, specially one David, observed some Bruises about his Head, which made them suspect he was first knocked down, before he was put into the Water: however, they buried him near about the Place where he was found, without making any further Inquiry at present: nevertheless David his Friend, reported these Things to some English at Taunton (a Town not far from Namasket), occasioned the Governor to inquire further into the Business, wisely considering, that as Sausaman had

told him, If it were known that he had revealed any of their Plots, they would murder him for his Pains.

Wherefore by special Warrant the Body of Sausaman being digged again out of his Grave it was very apparent that he had been killed, and not drowned. And by a strange Providence an Indian was found, that by Accident was standing unseen upon a Hill, had seen them murther the said Sausaman, but durst never reveal it for fear of losing his own Life likewise, until he was called to the Court at Plimouth, or before the Governour, where he plainly confessed what he had seen. The Murderers being apprehended, were convicted by his undeniable Testimony, and other remarkable Circumstances, and so were all put to Death, being but three in Number; the last of them confessed immediately before his Death, that his Father (one of the Councellors and special Friends of Philip) was one of the two that murdered Sausaman, himself only looking on.

This was done at Plimouth Court, held in June, 1674. Insomuch that Philip apprehending the Danger his own Head was in next, never used any further Means to clear himself from what was like to be laid to his Charge, either about his plotting against the English, nor yet about Sausaman's Death: but by keeping his Men continually about him in Arms, and gathering what Strangers he could to join with him, marching up and down constantly in Arms, both all the while the Court sat, as well as afterwards. The English of Plimouth hearing of all this, yet took no further Notice, then only to order a Militia Watch in all the adjacent Towns, hoping that Philip finding himself not likely to be arraigned by Order of the said Court, the present Cloud might blow over, as some others of like Nature had done before; but in Conclusion, the Matter proved otherwise; for Philip finding his Strength daily increasing, by the flocking of Neighbour-Indians unto him, and sending over their Wives and Children to the Nar-



PORTRAIT AND SIGN-MANUAL OF KING PHILIP

hagansets for Security (as they use to do when they intend War with any of their Enemies,) immediately they began to alarm the English at Swanzy, (the next Town to Philips Country,) as it were daring the English to begin; at last their Insolencies grew to such an Height, that they began not only to use threatening Words to the English, but also to kill their Cattel and rifle their Houses; whereat an English-man was so provoked, that he let fly a Gun at an Indian, but did only wound, not kill him: whereupon the Indians immediately began to kill all the English they could, so as on the 24th of June, 1675, was the Alarm of War first sounded in Plimouth Colony, when eight or nine of the English were slain in and about Swanzy. . . .

About this Time several Parties of English, within Plimouth Jurisdiction, were willing to have a Hand in so good a Matter, as catching of Philip would be, who perceiving that he was now going down the Wind, were willing to hasten his Fall. Amongst others, a small Party, July 31, went out of Bridgewater upon discovery, and by Providence were directed to fall upon a Company of Indians where Philip was; they came up with them, and killed some of his special Friends; Philip himself was next to his Uncle, that was shot down, and had the Soldier had his Choice which to shoot at, known which had been the right Bird, he might as well have taken him as his Uncle, but 'tis said that he had newly cut off his Hair, that he might not be known: the Party that did this Exploit were few in Number, and therefore not being able to keep altogether close in the Reer, that cunning Fox escaped away through the Bushes undiscerned, in the Reer of the English. . . .

Within two Days after, Capt Church, the Terror of the Indians in Plimouth Colony, marching in pursuit of Philip, with but thirty Englishmen, and twenty reconciled Indians, took twenty three of the Enemy, and the next day following them by their Tracts, fell upon their

Head-Quarters, and killed and took about an hundred and thirty of them, but with the Loss of one English Man; in this Engagement God did appear in a more than ordinary Manner to fight for the English: for the



CAPTAIN BENJAMIN CHURCH

Indians by their Number, and other Advantages of the Place, were so conveniently provided, that they might have made the first shot at the English, and done them much Damage; but one of their own Country-men in Capt. Church's Company espying them, called aloud unto them in their own Language, telling them that if they shot a Gun, they were all dead Men; with which

they were so amazed, that they durst not once offer to fire at the English, which made the Victory the more remarkable: Philip made a very narrow Escape at that Time, being forced to leave his Treasures, his beloved Wife and only Son to the Mercy of the English, Skin for Skin, all that a Man hath will he give for his Life.

His Ruine being thus gradually carried on, his Misery was not prevented but augmented thereby; being himself made acquainted with the Sence and experimental Feeling of the captivity of his Children, loss of his Friends, slaughter of his Subjects, bereavement of all Family Relations, and being stript of all outward Comforts, before his own Life should be taken away. Such Sentence sometimes passed upon Cain, made him cry out, that his Punishment was greater than he could bear.

This Bloody Wretch had one Week or two more to live, an Object of Pity, but a Spectacle of Divine Vengeance; his own Followers beginning now to plot against his Life, to make the better Terms for their own, as they did also seek to betray Squaw Sachim of Pocasset, Philips near Kinswoman and Confederate. . . .

Philip, like a Salvage and wild Beast, having been hunted by the English Forces through the Woods, above an hundred Miles backward and forward, at last was driven to his own Den, upon Mount-hope, where retiring himself with a few of his best Friends into a Swamp, which proved but a Prison to keep him safe, till the Messengers of Death came by Divine Permission to execute Vengeance upon him, which was thus accomplished.

Such had been his inveterate Malice and Wickedness against the English, that despairing of Mercy from them, he could not bear that any thing should be suggested to him about a Peace, insomuch as he caused one of his Confederates to be killed for propounding an Expedient of Peace; which so provoked some of his Com-

pany, not altogether so desperate as himself, that one of them (being near of kin that was killed) fled to Road-Island (whither, that active Champion Capt. Church was newly retired, to recruit his Men for a little Time,



JOHN ELIOT, APOSTLE TO THE INDIANS

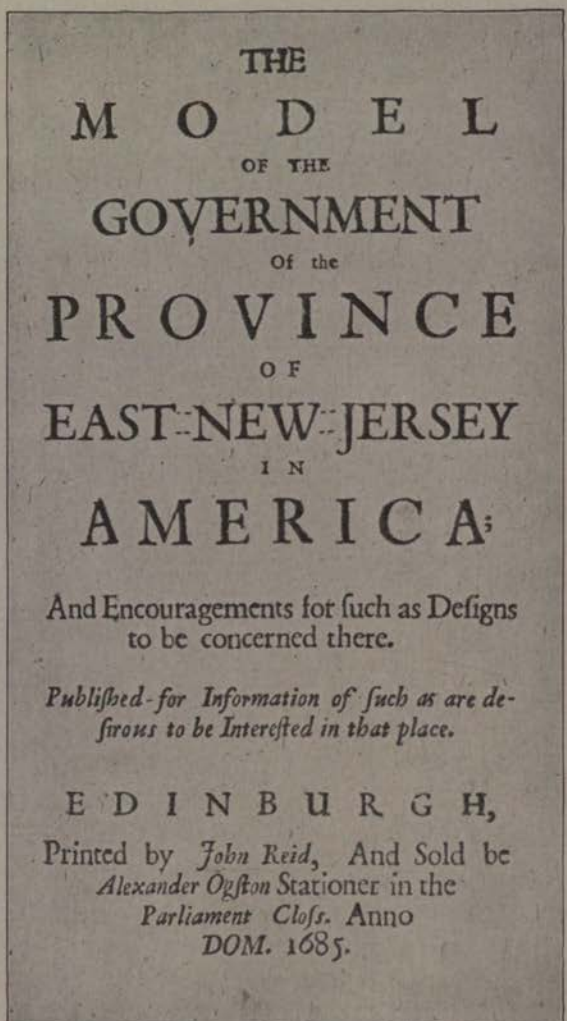
being much tired with hard Marches all that Week) informing them that Philip was fled to a Swamp in Mount-hope whither he would undertake to lead them that would pursue him. This was welcome News, and

the best Cordial for such martial Spirits: whereupon he immediately with a small Company of Men, part English and part Indians, began another March, which shall prove fatal to Philip, and end that Controversie betwixt the English and him: for coming very early to the side of the Swamp, his Soldiers began presently to surround it, and whether the Devil appeared to him in a Dream that Night, as he did unto Saul, forboding his tragical End (it matters not); as he intended to make his Escape out of the Swamp, he was shot through the Heart by an Indian of his own Nation, as is said, that had all this while kept himself in a Neutrality until this Time, but now had the casting-vote in his Power, by which he determined the Quarrel that had held so long in Suspense.

Division of New Jersey Into Two Provinces, 1676

On July 1, 1676, a quintipartite agreement was effected for the division of the province of New Jersey into the separate provinces of East Jersey and West Jersey. Extracts from the full text in "American Charters, Constitutions, and Organic Laws" (1909, Vol. V., pp. 2551–60, Government Printing Office). (See page 128.)

. . . *And Whereas* they the said Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge; have agreed to make a partition between them of the said tract of land, and of the said several and respective premises whereof they now stand so seized as tenants in common as aforesaid, and it hath been agreed between them, that the said Sir George Carteret shall have for his share and part of the said tract of land, and of the said several and respective premises to be holden by him the said Sir George Carteret his heirs and assigns for ever, in severalty as his lawful and equal part, share and proportion tract of land, and of all and every the said several and respective premises, and to be from henceforth called, known and distinguish'd by the name of East New Jersey, all that easterly part, share and portion of the said tract of land and premises, lying on the east side and eastward of a strait and direct line drawn thro' the said premises from north to south, from the dividing and making a partition or separation of the said eastern part, share


THE
MODEL
OF THE
GOVERNMENT
Of the
PROVINCE
OF
EAST-NEW-JERSEY
IN
AMERICA;
And Encouragements for ſuch as Deſigns to be concerned there.
Publiſhed for Information of ſuch as are deſirous to be Intereſted in that place.
EDINBURGH,
Printed by *John Reid*, And Sold be *Alexander Ogſton* Stationer in the *Parliament Cloſs.* Anno *DOM.* 1685.

TITLE-PAGE OF "THE MODEL OF THE GOVERNMENT OF EAST-NEW-JERSEY"

and portion from the westerly part, share and portion of the same tract of land and premises, as is herein after particularly described.

And that the said William Penn, Gawn Lawrie, and Nicholas Lucas, shall have their share and part of the said tract of land, and of the said several and respective premises to be holden by them the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns, in severalty as their full and equal part, share and portion of the said tract of land; and all and every the said several and respective premises, subject to the same trust for the benefit of the said Edward Billinge, as the said undivided moiety was subject, and to be from henceforth called and distinguished by the name of West New Jersey, all that westerly part, share and portion of the said tract of land and premisses, lying on the west side and westward of the aforesaid strait and direct line drawn thro' the said premises from north to south as aforesaid, as is hereafter also particularly described. Now these presents witness, that in pursuance and performance of the said before recited agreement, and for the better perfecting of the said conditions are agreed to be made as aforesaid; and for and in consideration of five shillings to them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge in hand paid by the said Sir George Carteret, the receipt whereof they do hereby respectively acknowledge, the said Edward Billinge and they the said William Penn, Gawn Lawry and Nicholas Lucas, by and with the consent, direction and appointment of the said Edward Billinge, testified by his being a party hereunto, and by his sealing and executing of these presents, have and each of them hath bargained, sold, released, and confirmed and conveyed; and do, and each of them doth, bargain, sell, release, confirm and convey unto the said Sir George Carteret his heirs and assigns forever, all that easterly part, share and portion, and all those easterly

An Hiſtorical and Geographical Account

OF THE

PROVINCE and COUNTRY

OF

PENSILVANIA;

AND OF

Weſt-New-Jerſey

IN

AMERICA.

The Richneſs of the Soil, the Sweetneſs of the Situation the Wholeſomneſs of the Air, the Navigable Rivers, and others, the prodigious Encreafe of Corn, the flourifhing Condition of the City of *Philadelphia*, with the ſtately Buildings, and other Improvements there. The ſtrange Creatures, as *Birds, Beaſts, Fiſhes* and *Fowls*, with the ſeveral ſorts of *Minerals, Purging Waters*, and *Stones*, lately diſcovered. The *Natives, Aborigines*, their *Language, Religion, Laws*, and *Cuſtoms*; The firſt Planters, the *Dutch, Sweedi*, and *Engliſh*, with the number of its Inhabitants; As alſo a Touch upon *George Keith's New Religion*, in his ſecond Change ſince he left the QUAKERS

With a Map of both Countries.

By GABRIEL THOMAS,
Who reſided there about Fifteen Years.

London, Printed for, and Sold by *A. Baldwin*, at the *Oxon Arms* in *Warwick-Lane*, 1698.

TITLE-PAGE OF "PENSILVANIA AND WEST-NEW-JERSEY"

parts, shares and portions of the said tract of land and premises so granted and conveyed by his said Royal Highness the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret as aforesaid. . . .

. . . And these presents further witness that in further pursuance and performance of the said herein before recited agreement, and for the further perfecting the said partition so agreed to be aforesaid, and in consideration of five shillings to him the said Sir George Carteret in hand paid, by the said William Penn, Gawn Lawry and Nicholas Lucas, the receipt whereof he doth hereby acknowledge, the said Sir George Carteret hath bargained, sold, released, confirm'd and conveyed, and doth by these presents, bargain, sell, release, confirm and convey unto the said William Penn, Gawn Lawry and Nicholas Lucas, and to their heirs and assigns forever, all that westerly part, share and portion, and all that and those other part and parts, share and shares, portion and portions, of the said tract of land and premises so granted by his said Royal Highness, the said James Duke of York, unto the said John Lord Berkley and Sir George Carteret, as aforesaid; . . . all which said westerly part, share and portion, parts, shares and portions of the said tract of land and premises are now by the consent and agreement of the parties to these presents, called and agreed from henceforth to be called by the name of West Jersey, and is all that and only all that part, share and portion, and all those parts, shares and portions, of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, as lyeth extended westward, or southward from the west side of the said line of partition, before mentioned, to have and to hold unto the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns in severalty, to the only use of the said William Penn, Gawn Lawry, and Nicholas Lucas, and of their heirs and assigns forever.

Charter and Naming of Pennsylvania, 1681

The grant of territory in America by Charles II. to William Penn, embodied in the royal charter dated March 4, 1681, was in effect the satisfaction of a claim against the King for approximately $80,000, which Penn had inherited from his father, the admiral. Extracts from text in "American Charters, Constitutions, and Organic Laws" (1909, Vol. V., pp. 3036–44, Government Printing Office). (See page 134.)

CHARLES the Second, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. To all whom these presents shall come, *Greeting*. WHEREAS Our Trustie and well-beloved Subject William Penn, Esquire, Sonne and heire of Sir William Penn deceased, out of a commendable Desire to enlarge our *English* Empire, and promote such usefull comodities as may bee of Benefit to us and Our Dominions, as also to reduce the Savage Natives by gentle and just manners to the Love of Civil Societie and Christian Religion, hath humbley besought Leave of Us to transport an ample Colonie unto a certaine Countrey hereinafter described, in the Partes of *America* not yet cultivated and planted; And hath likewise humbley besought Our Royall Majestie to Give, Grant, and Confirme all the said Countrey, with certaine Privileges and Jurisdictions, requisite for the good Government and Safetie of the said Countrey and Colonie, to him and his Heires forever: KNOW YE THEREFORE, That

SOME

ACCOUNT

OF THE

PROVINCE

OF

PENNSILVANIA

IN

AMERICA;

Lately Granted under the Great Seal

OF

ENGLAND

TO

William Penn, &c.

Together with Priviledges and Powers neceſſary to the well-governing thereof.

Made publick for the Information of ſuch as are or may be diſpoſed to Tranſport themſelves or Servants into thoſe Parts.

LONDON: Printed, and Sold by *Benjamin Clark* Bookſeller in *George-Yard Lombard-ſtreet*, 1681.

TITLE-PAGE "SOME ACCOUNT OF THE PROVINCE OF PENNSILVANIA IN AMERICA"

Wee, favouring the Petition and good Purpose of the said *William Penn*, and haveing Regard to the Memorie and Meritts of his late Father in divers Services, and perticulerly to his Conduct, Courage, and Discretion under our Dearest Brother *JAMES* Duke of *York*, in that Signall Battell and Victorie fought and obteyned against the *Dutch* Fleete, command by the Heer *Van Opdam*, in the yeare One thousand six hundred and sixty-five: In consideration thereof, of Our Speciale grace, certaine Knowledge, and meere Motion have Given and Granted, and by this Our present Charter, for Us, Our Heires and Successors, Doe give and Grant unto the said *William Penn*, his Heires and Assignes, all that Tracte or Parte of Land in *America*, with all the Islands therein conteyned, as the same is bounded on the East by *Delaware* River, from twelve miles distance Northwards of *New Castle* Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend; and from the head of the said River, the Easterne Bounds, are to bee determined by a Meridian Line, to bee drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to bee computed from the said Easterne Bounds; and the said Lands to bee bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from *New Castle* Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above-mentioned. WEE do also give and grant unto the said *William Penn*, his heires and assignes, the free and undisturbed use and continuance in, and passage into and out of all and singuler Ports, Harbours, Bays, Waters, Rivers, Isles, and Inletts, belonging unto, or

leading to and from the Countrey or Islands aforesaid, And all the Soyle, lands, fields, woods, underwoods, mountaines, hills, fenns, Isles, Lakes, Rivers, waters, Rivuletts, Bays, and Inletts, scituate or being within, or belonging unto the Limitts and Bounds aforesaid, togeather with the fishing of all sortes of fish, whales, Sturgeons, and all Royall and other Fishes, in the Sea, Bayes, Inletts, waters, or Rivers within the premisses, and the Fish therein taken: And also all Veines, Mines, and Quarries, as well discovered as not discovered, of Gold, Silver, Gemms, and Pretious Stones, and all other whatsoever, be it Stones, Mettals, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; AND him, the said *William Penn*, his heires and assignes, Wee doe by this Our Royall Charter, for Us, Our heires and Successors, make, create, and constitute the true and absolute Proprietarie of the Countrey aforesaid, and of all other the premisses, Saving alwayes to Us, Our heires and Successors, the Faith and Allegiance of the said *William Penn*, his heires and assignes, and of all other Proprietaries, Tenants, and Inhabitants that are or shall be within the Territories and Precincts aforesaid; and Saving also, unto Us, Our heires and Successors, the Sovereignty of the aforesaid Countrey; TO HAVE, hold, possess, and enjoy the said Tract of Land, Countrey, Isles, Inletts, and other the premisses unto the said *William Penn*, his heires and assignes, to the only proper use and behoofe of the said *William Penn*, his heires and assignes for ever, to bee holden of Us, Our heires and Successors, Kings of *England*, as of Our Castle of *Windsor* in Our County of *Berks*, in free and comon Socage, by fealty only for all Services, and not *in Capite* or by Knights Service: Yielding and paying therefore to Us, Our heires and Successors, Two Beaver Skins, to bee delivered at Our said Castle of *Windsor* on the First Day of *January* in every Year; and also the Fifth Part

of all Gold and Silver Oare, which shall from Time to Time happen to bee found within the Limitts aforesaid, cleare of all Charges. And of Our further Grace, certaine Knowledge, and meer motion, We have thought fitt to erect, and We doe hereby erect the aforesaid Countrey and Islands into a Province and Seigniorie, and doe call itt PENSILVANIA, and soe from henceforth we will have itt called.

. . . . . .

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe greate a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said *William Penn* and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyned as aforesaid, to make and constitute fitt and wholesome Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is, shall bee observed inviolably within the said Province, under Paines therein to be expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of *England*, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons,



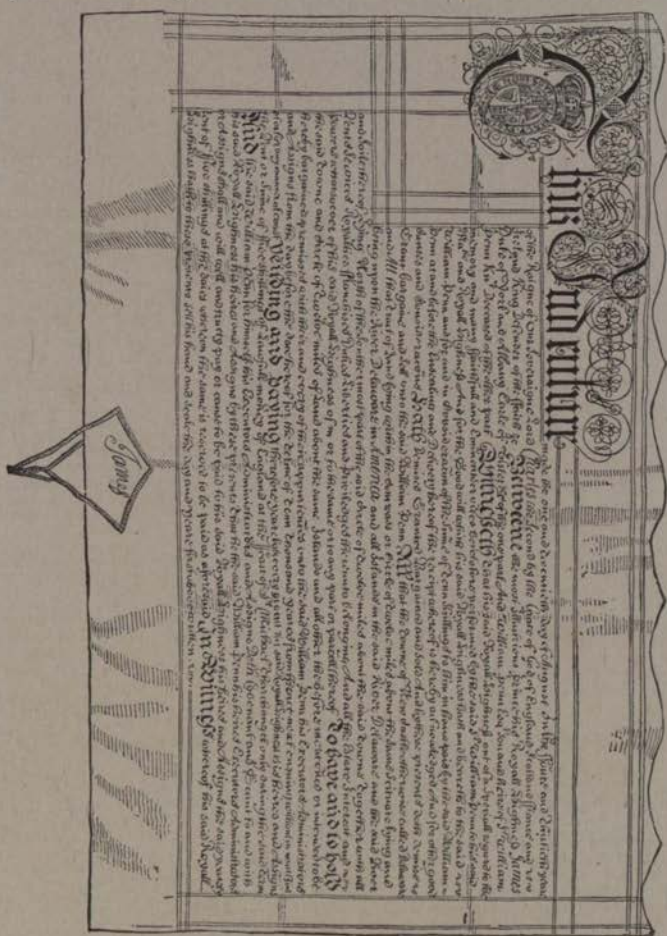
SIR WILLIAM PENN

(The father of William Penn. From a picture by Sir Peter Lely)

for or in their Life, members, Freehold, goods, or Chattels.

. . . . . .

AND Wee doe further, for us, our heires and Successors, Give and grant unto the said *William Penn*, his



FACSIMILE OF THE DEED CONVEYING NEW CASTLE TO WILLIAM PENN

heires and assignes, free and absolute power, to Divide the said Countrey and Islands into Townes, Hundreds

and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute ffaires and Marketts therein, with all other convenient privileges and munities, according to the meritt of the inhabitants, and the ffitnes of the places, and to doe all and every other thing and things touching the premisses, which to him or them shall seeme requisite and meet; . . .

. . . . . .

PROVIDED alwayes, and our will and pleasure is, that neither the said *William Penn*, nor his heires, or any other the inhabitants of the said Province, shall at any time thereafter have or maintain any Correspondence with any other king, prince, or State, or with any of theire subjects, who shall then be in Warr against us, our heires or Successors; Nor shall the said *William Penn*, or his heires, or any other the Inhabitants of the said Province, make Warre or doe any act of Hostility against any other king, prince, or State, or any of theire Subjects, who shall then be in league or amity with us, our heires or successors.

. . . . . .

AND FURTHER our pleasure is, and by these presents, for us, our heires and Successors, Wee doe covenant and grant to and with the said *William Penn*, and his heires and assignes, That Wee, our heires and Successors, shall at no time hereafter sett or make or cause to be sett, any impossition, custome or other taxation, rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid Province, for their Lands, tenements, goods or chattels within the said Province, or in and upon any goods or merchandize within the said Province, or to be laden or unladen within the ports or harbours of the said Province, unless the same be with the consent of the Proprietary, or

chiefe governor, and assembly, or by act of Parliament in *England.*

. . . . . .

AND if perchance it should happen hereafter any doubts or questions should arise, concerneing the true Sense and meaning of any word, clause, or Sentence conteyned in this our present Charter, Wee will ordaine, and comand, that att all times and in all things, such interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his heires and assignes: Provided always that no interpretation be admitted thereof by which the allegiance due unto us, our heires and Successors, may suffer any prejudice or diminution; Although express mention be not made in these presents of the true yearly value, or certainty of the premisses, or of any parte thereof, or of other gifts and grants made by us and our progenitors or predecessors unto the said *William Penn:* Any Statute, Act, ordinance, provision, proclamation, or restraint heretofore had, made, published, ordained or provided, or any other thing, cause, or matter whatsoever, to the contrary thereof in any wise notwithstanding.

Penn's Account of the Pennsylvania Colony, 1683

Extract from his letter to the Committee of the Free Society of Traders of the province residing in London. Text from "Old South Leaflet," No. 171. (See page 134.)

The first planters in these parts were the Dutch, and soon after them the Swedes and Finns. The Dutch applied themselves to traffic, the Swedes and Finns to husbandry. There were some disputes between them for some years; the Dutch looking upon them as intruders upon their purchase and possession, which was finally ended in the surrender made by John Rizeing, the Swedish governor, to Peter Stuyvesant, governor for the States of Holland, anno 1655.

The Dutch inhabit mostly those parts of the province that lie upon or near the bay, and the Swedes the freshes of the river Delaware. There is no need of giving any description of them, who are better known there than here; but they are a plain, strong, industrious people, yet have made no great progress in culture, or propagation of fruit-trees; as if they desired rather to have enough than plenty or traffic. But I presume the Indians made them the more careless by furnishing them with the means of profit, to wit, skins and furs for rum and such strong liquors. They kindly received me as well as the English, who were few before the people concerned with me came among them. I must needs commend their respect to authority, and kind behavior to

the English. They do not degenerate from the old friendship between both kingdoms. As they are people proper and strong of body, so they have fine children,



WILLIAM PENN

(Portrait in National Museum, Philadelphia, being a copy of the picture by Francis Place discovered in England in 1874, and copied by Henry J. Wright of London for the National Museum)

and almost every house full: rare to find one of them without three or four boys and as many girls; some six, seven, and eight sons. And I must do them that right, I see few young men more sober and laborious.

The Dutch have a meeting-place for religious worship at Newcastle; and the Swedes three; one at Christina, one at Tenecum, and one at Wicoco, within half a mile of this town.

There rests that I speak of the condition we are in,

and what settlement we have made; in which I will be as short as I can. The country lieth bounded on the east by the river and bay of Delaware and Eastern Sea. It hath the advantage of many creeks, or rivers, that run into the main river or bay, some navigable for great ships, some for small craft. Those of most eminency

A

LETTER

TO

Mr. Penn,

WITH

His ANSWER.

London, Printed and Sold by *T. Sowle*, in *White-Hart-Court*, in *Gracious-Street*.

TITLE-PAGE OF "A LETTER TO MR. PENN"

are Christina, Brandywine, Skilpot, and Sculkil, any one of which has room to lay up the royal navy of England, there being from four to eight fathom of water.

The lesser creeks or rivers, yet convenient for sloops and ketches of good burthen, are Lewis, Mespillion, Cedar, Dover, Cranbrook, Feversham, and Georges below; and Chichester, Chester, Toacawny, Pammapecka, Portquessin, Neshimenck, and Pennberry in the freshes; many lesser, that admit boats and shallops. Our people are mostly settled upon the upper rivers, which are pleasant and sweet, and generally bounded with good land.

The planted part of the province and territories is cast into six counties: Philadelphia, Buckingham, Chester, Newcastle, Kent, and Sussex, containing about four thousand souls. Two general assemblies have been held, and with such concord and despatch that they sat but three weeks, and at least seventy laws were passed without one dissent in any material thing. But of this more hereafter, being yet raw and new in our gear. However, I cannot forget their singular respect to me in this infancy of things, who, by their own private expenses, so early considered mine for the public, as to present me with an impost upon certain goods imported and exported, which, after my acknowledgement of their affection, I did as freely remit to the province and the traders to it. And for the well-government of the said counties, courts of justice are established in every county, with proper officers, as justices, sheriffs, clerks, constables; which courts are held every two months. But, to prevent lawsuits, there are three peace-makers chosen by every county court, in the nature of common arbitrators, to hear and end differences between man and man. And spring and fall there is an orphan's court in each county, to inspect and regulate the affairs of orphans and widows.

Philadelphia, the expectation of those who are concerned in this province is at last laid out, to the great content of those here who are any ways interested therein. The situation is a neck of land, and lieth between two navigable rivers, Delaware and Sculkill, whereby it hath two fronts upon the water, each a mile, and two from river to river. Delaware is a glorious river; but the Sculkill, being an hundred miles boatable above the falls, and its course north-east toward the fountain of Susquehannah, (that tends to the heart of the province, and both sides our own), it is like to be a great part of the settlement of this age. I say little of the town itself, because a platform will be shown you by my agent, in which those who are purchasers of me, will find their names and interests. But this I will say, for the good providence of God, that of all the many places I have seen in the world, I remember not one better seated; so that it seems to me to have been appointed for a town, whether we regard the rivers, or the conveniency of the coves, docks, and springs, the loftiness and soundness of the land, and the air, held by the people of those parts to be very good.

It is advanced within less than a year, to about fourscore houses and cottages, such as they are, where merchants and handicrafts are following their vocations as fast as they can; while the countrymen are close at their farms. Some of them got a little winter corn in the ground last season; and the generality have had a handsome summer-crop, and are preparing for their winter corn. They reaped their barley this year, in the month called May, the wheat in the month following; so that there is time in these parts for another crop of divers things before the winter season. We are daily in hopes of shipping to add to our number; for, blessed be God! here is both room and accommodation for them: the stories of our necessity being either the fear of our friends, or the scarecrows of our enemies; for the

A

LETTER

FROM

William Penn

Proprietary and Governour of

PENNSYLVANIA

In America,

TO THE

COMMITTEE

OF THE

Free Society of Traders

of that Province, residing in *London*.

CONTAINING

A General Description of the said *Province*, its *Soil*, *Air*, *Water*, *Seasons* and *Produce*, both Natural and Artificial, and the good Encrease thereof.

Of the *Natives* or *Aborigines*, their *Language*, *Customs* and *Manners*, *Diet*, *Houses* or *Wigwams*, *Liberality*, *easie way* of *Living*, *Physick*, *Burial*, *Religion*, *Sacrifices* and *Cantico*, *Festivals*, *Government*, and their order in *Council* upon Treaties for Land, *&c.* their *Justice* upon *Evil Doers*.

Of the *first Planters*, the *Dutch*, *&c.* and the *present Condition* and *Settlement* of the said *Province*, and *Courts* of *Justice*, *&c.*

As also an Account of the CITY of

PHILADELPHIA

Newly laid out.

Its Scituation between two Navigable Rivers, *Delaware* and *Skulkill*.

WITH A

Portraiture or Plat-form thereof,

Wherein the Purchasers Lots are distinguished by certain Numbers inserted.

And the Prosperous and Advantagious Settlements of the *Society* aforesaid, within the said City and Country, *&c.*

Printed by Appointment of the said Committee, by Andrew Sowle, *at the Crooked-Billet in* Holloway-Lane *in* Shoreditch, 1683.

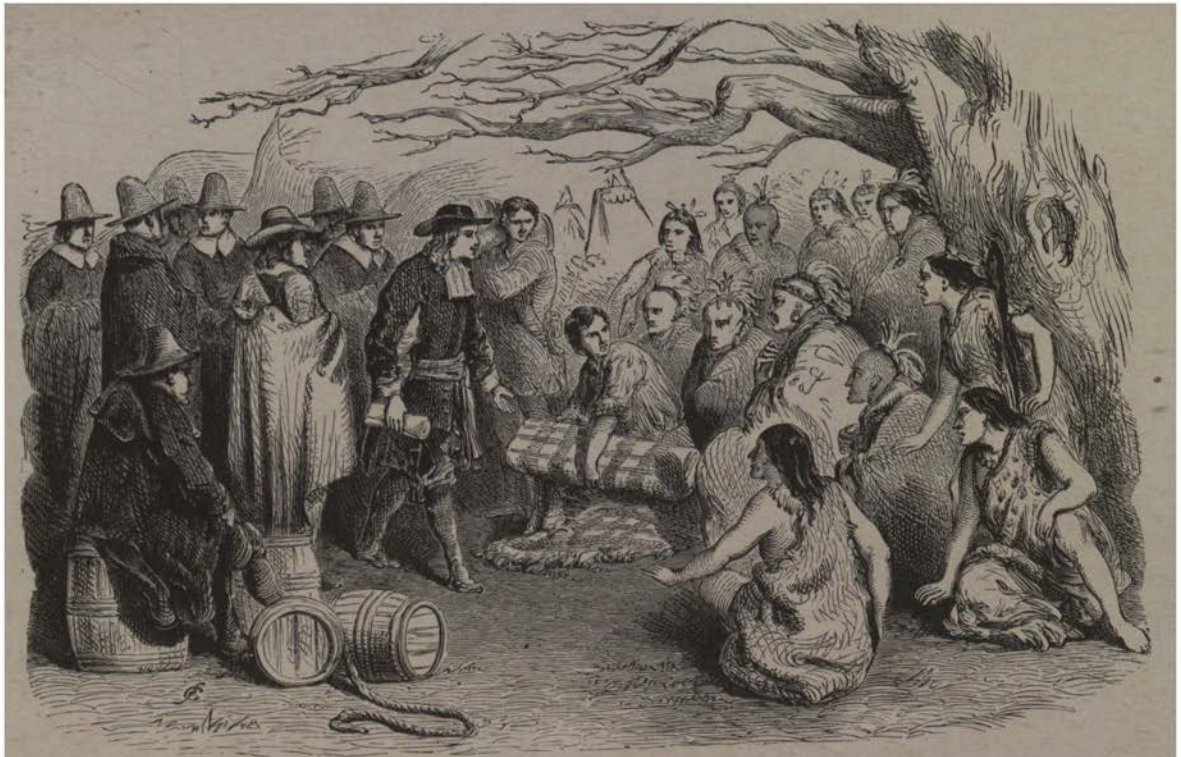
TITLE-PAGE OF "A LETTER FROM WILLIAM PENN"

greatest hardship we have suffered hath been salt meat, which, by fowl in winter and fish in summer, together with some poultry, lamb, mutton, veal, and plenty of venison, the best part of the year, hath been made very passable. I bless God I am fully satisfied with the country and entertainment I got in it; for I find that particular content, which hath always attended me, where God in his providence hath made it my place and service to reside. You cannot imagine my station can be at present free of more than ordinary business; and, as such, I may say it is a troublesome work. But the method things are putting in will facilitate the charge, and give an easier motion to the administration of affairs. However, as it is some men's duty to plow, some to sow, some to water, and some to reap, so it is wisdom as well as the duty of a man to yield to the mind of providence, and cheerfully as well as carefully embrace and follow the guidance of it.

How Penn Made His Treaty With the Indians, 1683

Extract from his letter to the Committee of the Free Society of Traders of the province residing in London. Text reprinted from "Old South Leaflet," No. 171. (See page 142.)

Every king hath his council, and that consists of all the old and wise men of his nation, which perhaps is two hundred people; nothing of moment is undertaken, be it war, peace, selling of land or traffick, without advising with them; and, which is more, with the young men too. It is admirable to consider, how powerful the kings are, and yet how they move by the breath of their people. I have had occasion to be in council with them upon treaties for land, and to adjust the terms of trade: their order is thus: the king sits in the middle of an half moon, and hath his council, the old and wise on each hand; behind them, or at a little distance, sit the younger fry, in the same figure. Having consulted and resolved their business, the king ordered one of them to speak to me; he stood up, came to me, and in the name of his king saluted me, then took me by the hand, and told me, "He was ordered by his king to speak to me; and that now it was not he, but the king that spoke, because what he should say, was the king's mind." He first prayed me, "To excuse them that they had not complied with me the last time; he feared there might be some fault in the interpreter, being neither Indian nor English; besides, it was the Indian custom



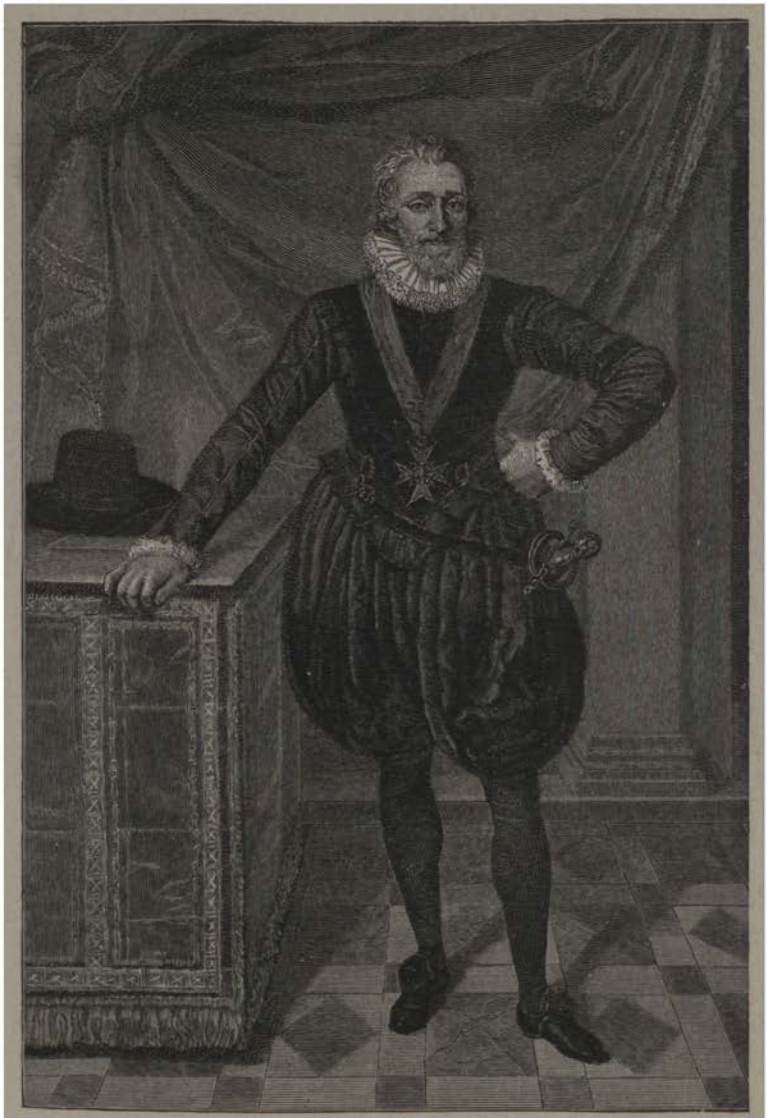
PENN'S TREATY WITH THE INDIANS
(From Duke's Indian History for Young Folks)

to deliberate, and take up much time in council, before they resolve; and that if the young people and owners of the land had been as ready as he, I had not met with so much delay." Having thus introduced his matter, he fell to the bounds of the land they had agreed to dispose of, and the price; which now is little and dear, that which would have bought twenty miles, not buying now two. During the time that this person spoke, not a man of them was observed to whisper or smile; the old grave, the young reverent in their deportment: they speak little, but fervently, and with elegance: I have never seen more natural sagacity, considering them without the help (I was going to say, the spoil) of tradition; and he will deserve the name of wise, that out-wits them in any treaty about a thing they understand. When the purchase was agreed, great promises passed between us of "kindness and good neighbourhood, and that the Indians and English must live in love, as long as the sun gave light." Which done, another made a speech to the Indians, in the name of all the *sachamakers* or kings; first to tell them what was done; next, to charge and command them "To love the Christians, and particularly live in peace with me, and the people under my government: that many governors had been in the river, but that no governor had come himself to live and stay here before; and having now such an one that had treated them well, they should never do him or his any wrong." At every sentence of which they shouted, and said, Amen, in their way.

Revocation of the Edict of Nantes, 1685

The Edict of Nantes, promulgated April 13, 1598, by Henry IV., and revoked October 22, 1685, by Louis XIV., secured liberty of religion to the French Protestants during its existence. The Edict consisted of a warrant, fifty-six articles, and several secret articles. The text of the Revocation is from Professor Charles Weiss's "History of the French Protestant Refugees," Vol. II., pp. 378–381. (See page 148.)

Louis, &c. The King Henry the Great, our grandfather of glorious memory, wishing that the peace he had procured for his subjects after the great losses they had suffered by the civil and foreign wars, should not be disturbed on account of the said R. P. R. (Religion Pretendedly Reformed) as had happened in the reigns of the kings his predecessors, did, by his edict given at Nantes, in the month of April, 1598, regulate the conduct to be pursued towards those of the said religion, the places where they could exercise it, established extraordinary judges, to administer justice to them, and in fine, provided by private articles for all which might be deemed necessary to maintain tranquillity in his kingdom, and to diminish the aversion between persons of both religions; in fine, that he might be in a better state to work, as he had resolved to do, to reunite to the church those who had so easily withdrawn from it. And as the intention of the King our said grandfather was not effected on account of his sudden death, and as



HENRY IV. OF FRANCE
(Picture by Porbus, in the Louvre)

the execution of the said edict was even interrupted during the minority of the late King, our very honored lord and father of glorious memory, by new enterprises of the said R. P. R., which gave occasion to deprive them of divers advantages which had been granted them by the said edict. However, the King our said late lord and father, using his usual clemency, granted them a new edict at Nismes, in the month of July, 1629, by means of which tranquillity being again established, and the said late King being animated with the same zeal for religion as the King our late grandfather, resolved to profit by this repose to attempt the execution of his pious design; but the foreign wars happening a few years after, so that from 1635 till the truce concluded in the year 1684 with the Princes of Europe, the kingdom being scarcely a moment free from agitation, it was impossible to do any thing for the advantage of religion except to diminish the number of exercises of the R. P. R. by the interdiction of such as were found to be prejudicial in the provisions of the edicts and by the suppression of the mixed chambers, whose erection had been made only provisionally. God having at length permitted our people to enjoy perfect repose, and we ourselves not being occupied with the cares of protecting them against our enemies, having it in our power to take advantage of this truce to bestow our entire application in order to find the means of succeeding in the designs of the Kings our said grandfather and father, into the which we have entered from our first accession to the crown. We see now with the just gratitude we owe to God, that our pains have the end which we proposed, since the better and larger portion of our subjects of the said R. P. R. have embraced the Catholic religion: and inasmuch as the execution of the said edict, and of all that has been ordered in favor of the said R. P. R. has been useless, we have judged that we could do nothing better to efface entirely the memory of the

troubles, of the confusion and the misfortunes that the progress of this false religion has caused in our kingdom, and which have given room for the said edict, and to so many other edicts and declarations which have preceded or been made in consequence of it, than to revoke entirely the Edict of Nantes, and the special articles granted in consequence of it and all that has been done in favor of the said religion.

I. Be it known, that we for these and other causes moving us thereto, and of our certain knowledge, full power and royal authority, have by this present edict suppressed and revoked, do suppress and revoke the edict of the King our said grandfather, given at Nantes in the month of April, 1598, in its whole extent, with the particular articles decreed the 2d of May following, and the letters patent granted from them, and the edict given at Nismes in the month of July, 1629, declaring them null and void, with all the concessions made as well by them as by other edicts, declarations and decrees made to people of the said R. P. R., of what nature soever they may be, which shall remain in like manner as though they had not been: and in consequence, we will, and it pleases us that all the temples of those of the said R. P. R., situated within our kingdom, countries, lands, and seigneuries, under our authority, shall be immediately destroyed.

II. We forbid our subjects of the R. P. R. from assembling again for the exercise of said religion in any other place or private house, under any pretext whatever, even if the said exercises have been allowed by decrees of our council.

III. We forbid in like manner all lords of whatever quality from the exercise thereof in their houses and fiefs, of what quality soever the fiefs may be, under pain, against all our subjects who shall take part in the said exercise, of confiscation of body and goods.

IV. We command all ministers of said R. P. R., who

will not be converted to, and embrace, the R. C. A. and R. (Roman Catholic and Apostolic, and Roman), to leave our kingdom and lands under our authority, within fifteen days after the publication of our present edict, without making any delay, nor, during the said time of fifteen days, shall they preach, exhort, or have any other exercise thereof, under penalty of the galleys.

V. We will that those said ministers, who shall be converted, shall continue to have during their lives, and their widows after their decease, the same exemptions from taxes, and from the lodging of soldiers, which they have enjoyed whilst they were ministers, and further we will pay to the said ministers, during their lifetime, a pension one third larger than their salaries as ministers, a moiety of which shall be allowed to their widows after their decease, as long as they remain in a state of widowhood.

VI. If any of the said ministers shall desire to become lawyers, or to take the degree of Doctor of Law, we will and intend that they shall dispense with the three years of study prescribed by our declarations; and having passed the usual examinations, and by them shown to be capable, they shall be received as doctors by paying only a half of the fees usually paid for that end at each university.

VII. We forbid private schools for the instruction of the children of the said R. P. R., and, generally, all things whatever, which can be considered a concession, whatever it may be, in favor of said religion.

VIII. With regard to the children of persons of the said R. P. R., born hereafter, we order that they shall for the future be baptized by the parish priest. We enjoin on fathers and mothers to send them to church for that purpose, under pain of a penalty of five hundred livres; and the children afterwards shall be educated in the principles of the R. C. A. and R., of which we expressly order our judges to see to the execution.



LOUIS XIV

(From an engraving by R. Nanteuil, 1670)

IX. And, as a mark of our clemency towards our subjects of the said R. P. R., who may have withdrawn from our kingdom, countries and possessions, previous to the publication of our present edict, We will and command that, in case they shall return within four months from the day of said publication, they can, and shall be allowed to enter on the possession of their property, and to enjoy the same as fully as though they had always remained here; on the contrary, the properties of those who shall not return within the said four months, in our kingdom, or countries and lands under our authority, which they have abandoned, shall remain and be confiscated in consequence of our declaration of the 20th of August last.

X. We make very express and repeated prohibitions to all our subjects of the said R. P. R. from departing, them, their wives and children from our said kingdom, countries and lands under our authority, or from carrying away their properties and effects, under pain, for the men of the galleys, and of confiscation of body and goods for the women.

XI. We will and understand that the declarations made against relapses shall be executed according to their form and tenor.

With regard to the remainder of the said R. P. R., until it shall please God to enlighten them, as he has the rest, they shall continue to dwell in the cities and places of our kingdom, countries and lands under our authority, and may continue their business, and enjoy the possession of their property without being troubled or disturbed under pretext of the said R. P. R., on condition, as has been said, of having no exercise, nor assembling under pretext of prayer, or of worship of said religion, of any nature whatever, under the abovementioned penalties of body and goods.

THE END OF VOL. II


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